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ROBERT Y. HAYNE

AND HIS TIMES

A HISTORICAL SKETCH OF THE STATE OF SOUTH CAROLINA
IN THE FIRST FIVE DECADES OF THE CONSTITUTION
AND THE POLITICAL INFLUENCE OF THE STATE
ON THE UNION IN THAT PERIOD

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TORONTO

1791—ROBERT YOUNG HAYNE—1839.

By Samuel Finley Breese Morse, 1820.

From the original portrait in possession of Mrs. William Alston Hayne, San Francisco, Cal

ROBERT Y. HAYNE

AND HIS TIMES

BY

THEODORE D. JERVEY

SECOND VICE-PRESIDENT OF THE SOUTH CAROLINA HISTORICAL SOCIETY, AUTHOR OF "THE ELDER BROTHER," A NOVEL OF SOUTH CAROLINA, RECONSTRUCTED

"I can well recollect, Sir, that among the first lessons instilled into my mind, that which made the deepest and most lasting impression was to consider the Republican Institutions of my country like the air which we breathe, as bestowing life and health and happiness, without our being conscious of the means by which those inestimable gifts are conferred; like the Providence of God unfelt and unseen, yet dispensing the richest blessings to all the children of men." —HAYNE, 1824.

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To

ALL SOUTH CAROLINIANS

WHATEVER THEIR DIFFERENCES

WHO HAVE BRAVELY STRIVEN FOR THEIR CONVICTIONS

THIS BOOK

IS DEDICATED

PREFACE

In presenting to the public a life of Robert Y. Hayne, a word of explanation seems appropriate. Few, if any, of the public men of the United States have been so neglected by students of history; and it is astonishing to note how many writers, some of whom are otherwise quite careful, have been guilty of repeating the statement that, save for the fact that on the floor of the United States Senate he drew from Daniel Webster his greatest oratorial effort, Hayne would not be known to our national history. Yet it is undeniable that, within five months of his connection with that distinguished body, the senator from South Carolina was the undisputed leader of his faction. This position he held throughout the constantly recurring struggle which culminated in the great crisis, nullification. During this period Mahlon Dickerson gave way to Webster, and Webster in turn to Clay, as the leader of the opposing faction, the Protectionists.

Of the carelessness which has in great measure brought about the low estimate of Hayne, evidence is found in allusions to the South Carolinian in recent works. For example, in one history of the United States which on the whole deserves praise for its fairness and liberality, we find the statement, "Senator Hayne was a man of finished education." The facts are that he never received any college instruction, was forced by his necessities to prepare himself for, and to apply for admission to, the bar before he had attained his majority, and was in possession of a lucrative practice at an age when most men who enjoy the opportunity are still in college.

Another writer asserts that in the Great Debate, "Senator Hayne — whose speeches were not remarkable — was put forward to deliver the prologue, but Calhoun was the prompter behind the scenes." No authority is cited for this assertion. It is made, moreover, in spite of the fact, easily ascertainable, that in the first and greatest argument ever made by Calhoun for nullification, and published but little more than a year after the debate, one of Hayne's main contentions is flatly contradicted. If Webster considered the contention untenable, an even greater opponent of nullification, Edward Livingston, declared that it was unassailable.

Of course there are some writers who have treated him more fairly. Cicero W. Harris pays a fine tribute to the South Carolinian in his "Sectional Struggle," and Woodrow Wilson in his "Division and Reunion" accords juster treatment than is usually rendered to him in the Great Debate; while Meigs, in a later and more careful life of Benton than that which appears in the "American Statesmen" series, if he singles Hayne out for no especial eulogium, at least exhibits some discrimination in his comments and refrains from belittling references. Yet the usual estimate of the man can only be described as slighting; and so distinctly has this impressed itself upon me that I have attempted to comply with the suggestion that I should prepare a sketch of Hayne's life.

In arriving at conclusions, it has been my aim to be influenced as little as possible by commentators, but to leave the reader to form his own opinion from the facts. The occasional discovery that my own estimate of any matter was in accord with that of eminent individuals was of course most pleasing, and in no case more so than in the characterization of Hayne's great speech on the tariff of 1824 in the "Life of Martin Van Buren," by Edward M. Shepard of the New York Bar.

In the endeavor to picture the man, I have deemed it essen-

tial to portray, as far as lay in my power, Hayne's environment. Through patient search, I believe that I have gathered some incidents of his life and facts relating to the South Carolina of his day which are not generally known. That the work is imperfect is quite patent to me; but, imperfect as it is, it is my hope that it may lead to a more careful consideration of the lofty aspirations, the notable achievements, and the profound wisdom of a statesman long neglected, the purity and self-abnegation of whose life has never been surpassed in our history, and the grasp of whose intellect on some questions still before us reached a depth we are not yet capable of accurately fathoming.

In the prosecution of this attempt, one of my chief difficulties has been due to the loss of the bulk of Hayne's papers and correspondence in the period immediately following the Civil War. Through the kindness of Mr. John Taylor of Columbia, S.C., however, I have had an opportunity of examining a few letters to him which are still preserved. While I have drawn upon standard works for occasional extracts, I have endeavored as far as possible to reach original sources. In the main, although greatly assisted by the correspondence of Calhoun, edited by Dr. Jameson, and the abridgment of the Debates of Congress, my work rests on the very complete files of the press of South Carolina for this period.

To Miss Ellen FitzSimons, the librarian of the Charleston Library, and to Professor Nathaniel W. Stephenson, of the College of Charleston, I am grateful for helpful assistance and encouragement. For the portrait of Hayne by Morse, which appeared as an illustration for the first time in Elson's "History of the United States," I am indebted to the widow of Senator Hayne's son, William Alston Hayne. A photograph from the painting in her possession was obtained through the kindness of Miss Susan Pringle of Charleston, who has also assisted me

in other ways. From the widow of Judge Robert Y. Hayne of California I received one of the few letters of the statesman I have been able to obtain. Such others as I have used, I have been able to examine through the assistance of Messrs. Langdon Cheves and Gustavus M. Pinckney, with Mrs. St. Julien Ravenel of Charleston, and Professors Yates Snowden and T. W. Keitt of the University of South Carolina and Clemson College. To Miss Mary Conner and Miss Ellen H. Jervey I owe letters illustrative of the times. The late William A. Courtenay, the Hons. Joseph W. Barnwell and Augustine T. Smythe, and Messrs. J. P. Carson of Charleston, A. S. Salley, Jr., of Columbia, S.C., Brewton Hamilton of Fall River, Mass., Charles Henry Hart of Philadelphia, W. H. Hayne of Augusta, Ga., and Senator B. R. Tillman have also furnished me with pamphlets and portraits which have been most helpful.

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INTRODUCTORY

THE year 1791 should be a memorable year in the history of the State of South Carolina: first, because, at the very beginning of that year, viz., the 19th of February, was enacted the law for the abolition of the rights of primogeniture,[1] a statute marking the profound change which had taken place in the State, with the adoption of the new State Constitution of the previous year; second, because of the fact that in that year, in the month of May, the first and greatest of the Presidents of the Union visited the State, and the story of his reception,[2] bringing before us, as it does, the condition and the sentiments of the people of her metropolis, indicates, in some manner, what contribution she had made to the Federal Union by her ratification of the Federal Constitution, which she had had such an important part in framing; third, on account of the fact that in the fall of that year, November 10,[3] was born that South Carolinian who most clearly saw the impending conflict between the State and Federal sovereignties, and most intelligently strove to avert it.

It is an interesting coincidence that the act for the abolition of the rights of primogeniture was, by its terms, to go into effect only the day before the great President reached the city of Charleston. It had been passed in obedience to the tenth article of the State Constitution, ordained the third day of June, 1790, the sug-

[1] Statutes at Large, So. Ca., Vol. 5, p. 162.
[2] Charleston Year Book, 1883, p. 503.
[3] *So. Ca. Hist. & Gen. Mag.*, Vol. 5, p. 171.

gestion of the young Governor, Charles Pinckney, as the surest safeguard of Republican sentiment. From this, it may be fairly inferred that, even after the achievement of her independence and the election of her own Executive, up to 1789, the political sentiment of the State, as it found expression in the choice of officials and framing of law, was in the main Federalistic and aristocratic; and, probably, no influence exerted by any individuals had been more effective in holding her to that faith than that of the two illustrious Pinckney brothers, Charles Cotesworth and Thomas, both of the school of Washington and Hamilton, — Charles Cotesworth, one of the State's five deputies to the convention, which framed the Constitution of the Union, and Thomas, Governor of the State, at the time of the selection of these deputies and the empowering of such to act.

But as influential as these two brothers were, the Pinckney family had produced, in the person of another and younger member, the Charles first above alluded to, one whose influence on the history of the State and nation was even greater.

Captured by the British at the fall of Charleston, then a member of the House of Representatives of South Carolina, at the age of twenty-two his recognized attainments[1] suggested him to his fellows as best suited to draft their remonstrance. On their release, elected and reëlected to the Continental Congress and, in 1787, to the Federal Constitutional Convention,[2] it is now indisputable that he was more instrumental in shaping the great work there evolved than any single member; for while the draft with which he furnished the Convention has been lost, recent investigations establish the fact that of its eighty-four provisions,

[1] "He was proficient in Latin, Greek, French, Spanish and Italian." Old pamphlet by W. S. E., in possession of Charles Pinckney of Claremont, quoted in address to Porter Military Academy, by Theo. D. Jervey, June 25, 1905. *News & Courier.*

[2] *So. Ca. Hist. & Gen. Mag.*, Vol. 2, p. 145.

no less than thirty-two, and probably more, were incorporated at his suggestion.[1]

Elected Governor in 1789, he had had occasion to note the strong tide of feeling against Federalism, which the fight of the up-country, led by the old veteran, General Sumter, at the ratification of the Constitution, had disclosed and, with regard to which the vote of 89 to 135 [2] to postpone and 73 to 149 to refuse to ratify, was the exhibit (many of the members being the same that had in the Legislature, at an earlier date, by a vote of 93 to 40 [3] defeated a bill, permitting the importation of African slaves) which intimated that there was something much more profound than sectional feeling or class, or commercial interest, that had stirred them to this opposition to the Constitution. President of the Convention which formulated the new Constitution for the State, while voting for Charleston as against Columbia for the capital, on which the low-country was defeated by a majority of four votes, in contrast to the outspoken Charles Cotesworth, he acted as a compromiser and adjuster of differences, as if he realized, even then, how necessary in the future the aid of some of these very opponents would be to him, and how naturally they would turn to him, as a leader; for it was a time of change, and the State Constitution itself was probably foreshadowed in many particulars by the speech in which he opened the deliberations of that body.[4]

[1] "We can say that Pinckney suggested some thirty-one or thirty-two provisions, which were finally embodied in the Constitution. . . . It must not be assumed that we know all that Pinckney thus contributed to the fabric of the Constitution. We now know very definitely the nature of his recommendations . . . but there were doubtless some other propositions that likewise found permanence in the work of the Convention. If mere assertion based on analogy and general probability were worth while, other portions of the Constitution might be pointed out as coming from the ingenious and confident young statesman of South Carolina." "Sketch of Charles Pinckney's Plan for a Constitution, 1787," by Andrew McLaughlin, p. 741, *American Historical Review.*

[2] *So. Ca. Gazette*, April 21 and 23, 1788.

[3] *So. Ca. Gazette*, Jan. 23, 1788. "Thomas Pinckney," by his grandson, C. C. Pinckney, p. 95.

[4] *City Gazette*, May 12, 1790.

The act by which the deputies had been commissioned to participate in the Philadelphia Convention had recited: "Whereas the powers at present vested in the United States in Congress assembled, by the articles of confederation and perpetual union of the said States are found by experience greatly inadequate to the weighty purposes they were originally intended to answer, and it has become absolutely necessary to the welfare of the confederated States that other and more ample powers in certain cases should be vested in and exercised by the said United States in Congress assembled, etc. Be it therefore enacted . . . that five commissioners be forthwith appointed . . . duly authorized and empowered in devising and discussing all such alterations, clauses, articles and provisions as may be thought necessary to render the Federal Constitution entirely adequate to the actual situation and future good government of the confederated States. . . ." [1]

The vote to postpone and to refuse to ratify indicates, therefore, the dissatisfaction, in some quarters, with the result.

We have the statesman-like speech in which Charles Pinckney defended that work and confidently contemplated the ratification; but the efforts of General Sumter and Jehu Wilson, in opposition, have not been preserved. In the following burst of poetic frenzy, some of the views of the opposition may, however, appear: —

"In evil hour his pen Squire Adams drew,
Claiming dominion to his well-born few.
In the gay circle of St. James' plac'd
He wrote, and, writing, has his work disgrac'd.
Smit with the splendor of a British King
The crown prevail'd, so once despis'd a thing.
Shelbourne and Pitt approv'd of all he wrote;
While Rush and Wilson echo back his note.

[1] Statutes at Large, So. Ca., Vol. 5, p. 4.

"Tho' British armies could not here prevail,
Yet British politics shall turn the scale.
In five short years of freedom weary grown
We quit our plain republics for a throne.
Congress and President full proof shall bring,
A mere disguise for Parliament and King.

"A standing army! — curse the plan so base;
A despot's safety, — Liberty's disgrace. —
Who saved these realms from Britain's bloody hand,
Who, but the generous rustics of the land.
That free-born race inured to every toil,
Who tame the ocean and subdue the soil;
Who, tyrants banished from this injured shore,
Domestic traitors may expel once more.

"Ye, who have bled in Freedom's sacred cause,
Ah, why desert her maxims and her laws?
When *thirteen* States are moulded into one,
Your rights are vanished and your honors gone.
The form of Freedom shall alone remain
As Rome had senators when she hugged the chain.

"Sent to revise your systems — not to change —
Sages have done what Reason deems most strange!
Some alterations in our fabric we
Calmly propos'd and hoped to see.
Ah, now deceived, those heroes in renown
Scheme for themselves — and pull the fabric down —
Bid in its place Columbia's tombstone rise
Inscrib'd with these sad words — Here Freedom lies." [1]

After reading this, we are not greatly surprised to note, Carnes of the up-country, two years later, alluding to Charleston as the home of the "opulent" [2] and as a capital less well suited to "those who are styled of a Plebeian race"; for Charleston and the low-country, almost to a man, had been for ratification.

But leaving these contentions, let us glance at the condition of

[1] *So. Ca. Gazette*, Jan. 26, 1788.

[2] *City Gazette*, May 26, 1790.

the people of the State, calmed by the abolition of the rights of primogeniture and a new apportionment of the representatives. By the census of 1790 the population of the State was put at 249,073, or about 140,000 whites to about 108,000 negroes. In five out of the six districts into which the State was divided, the number of whites was as follows: Charleston, 15,743; Georgetown, 11,313; Orangeburg and Beaufort, 13,693; Camden, 31,413; Ninety-Six, 47,288.[1]

The city of Charleston, the metropolis of the State, contained 16,359 inhabitants, 8089 whites and 8270 colored. How many of these latter were free does not appear; but that there must have been more than a few does appear from the fact that in that year, November 1, was founded the "Brown Fellowship Society," to which it is said free black men were not eligible, and they accordingly formed their own. The northern boundary of the city was Hudson Street, in part; but in the main, Boundary, now called Calhoun. Lines of shipping to England, Ireland and Germany were established and well patronized; while quite a number of artisans found occupation in their trades.

Butchers, bakers, brewers, distillers, blacksmiths, whitesmiths, cutlers, fire-engine makers, house-carpenters, bricklayers, painters, glaziers, cabinet-makers, coach-makers, wheelwrights, coopers, tanners, stocking-weavers, shoe-makers, saddlers, hatters, tailors, peruke-makers, goldsmiths, engravers, watch-makers, coppersmiths and brass founders, gunsmiths, tallow-chandlers, printers, joiners, mast-makers, ship-carpenters, rope-makers, block-makers, sail-makers, carvers, gilders, boat-builders, turners, umbrella-makers, glass-grinders, rubbers, diamond-cutters, polishers, silverers, musical instrument-makers, limners, stationers and bookbinders all marched[2] in the procession from Roper's Wharf to Federal Green with the "gentleman planters," professional men

[1] *So. Ca. Gazette*, Jan. 1, 1791.

[2] *State Gazette*, June 2, 1788.

and officials the day the Constitution was ratified, two years previous; while in the daily papers of this year, in juxtaposition to advertisements with regard to miniature painting and polite literature, appeared offerings of fine dress goods for fine folk and osnaburgs for negroes; good stock, excellent land and prime field-hands for cultivating same.

The General Assembly of the State, consisting of 125 members of the House and 36 of the Senate, had just reëlected Charles Pinckney Governor by a majority of 49 votes, and the supplies for government, including £900 salary for the Governor, and £100 for his secretary, aggregated £37,361. The State, according to the Connecticut *American Mirror*, "was getting into a good way, under a new constitution." [1]

This £900, or $4500, was, at this time, a small matter to the Governor, as he was the fortunate owner of seven plantations and nearly 2000 negroes, yielding him annually about $80,000.[2]

To this community, May 2, 1791, came the great President. The account of Washington's reception is interesting. It shows the great man, as he was, the personification of dignity; and it helps us to understand the people of Charleston and their ways — the environment which affected those subjected to it. The Committee of Council to make arrangements consisted of the Honorable Arnoldus Vander Horst, Intendant, Colonel Mitchell, Mr. Morris, Mr. Corbett and Mr. Marshall. Sixty pounds, or about $300, was applied to the hiring of the house of Thomas Heyward, Esquire, together with the furniture, a housekeeper and servants. A barge was procured and lengthened. It was to be manned by twelve masters of American vessels in port as a volunteer crew,

[1] *So. Ca. Gazette*, Dec. 6, 1790.

[2] "Hon. Charles Pinckney, LL.D., No. 2," by W. S. E. of S. C., written for De Bow's Review Pamphlets, July and August, 1864, Ser. 5, Vol. 7, Charleston Library Society.

handsomely dressed at their own expense. These elected to clothe themselves in "sky-blue jackets." This barge was to be presented to the great man at Haddrel's Point for his conveyance to the city by the Recorder, who, in his official robes, should there await his arrival.

Promptly at the day and hour named, General Moultrie, General Pinckney and the Honorable John B. Holmes, the Recorder, in his official robes, met the President at Haddrel's Point, where they embarked and, accompanied by a flotilla, crowded with cheering passengers and from which two bands were discoursing music, proceeded across the harbor to the foot of Queen Street, where steps had been arranged and where the President was met by the Governor, the Intendant, the City Council and the State Society of the Cincinnati.

However the Governor may have been attired, he must have appeared to the public as a somewhat inconsiderable personage, in contrast with the imposing presence of the Intendant and Wardens, each of whom carried a black varnished wand three-quarters of an inch in diameter and six feet long; those of the Wardens headed in silver and that of the Intendant in gold, on which were inscribed the ciphers C.C.L. What the Governor said, does not appear; but his Honor the Intendant addressed the distinguished guest as follows: "The Intendant and Wardens beg leave, sir, to welcome you to this city. It will be their care to make your stay agreeable — they have provided accommodations for yourself and suite to which they will be happy to conduct you."

The Father of his Country calmly replied that he was ready to attend them and would follow, and the procession moved forward in the following order: —

City Sheriff (with mace).
Messenger and Marshall.
Treasurer and Clerk.

Recorder.
Wardens with their wands (two and two).
The Intendant.
President and suite.[1]

By rare good fortune the Reverend Isaac Stockton Keith, late of Bucks County, Pennsylvania, who had arrived with his wife at Charleston three years previous, was present, and with her assistance prepared an account, in which appear details more noticeable to outsiders and impressions more interesting than such as might be recorded by a native; to wit, the "sky-blue jackets," above.

To begin with, we are informed, it was a serene and beautiful morning, and on such the harbor, alone, is a sight worth seeing; but on this festive occasion all the vessels in port had out their bunting, a guard of militia was in attendance at the landing, there was a loud peal of huzzas from the crowd and a *feu de joie* by the corps of artillery.

The procession included the different orders of citizens, whose stations had been previously assigned by lot, except the clergy, to whom the honor was given of walking next after the President and principal officers of government and foreign ministers. The march was to the Exchange, where the President, accompanied by the Governor and those who immediately followed, including the clergy, ascended the steps to a platform, at "that elegant building," at which point there was another *feu de joie*, and the rest of the procession passed by, having the honor of seeing and saluting the President and receiving the honors of his bows and smile. Later during the visit, says the Reverend Keith, "there was a grand ball, that the ladies might have an opportunity of enjoying his presence among them, of paying their respects and testifying their love and admiration and also of displaying their charms of beauty and dress

[1] Charleston Year Book, 1883, p. 503; Keith's Works, p. 428.

before him." With regard to which last, our informant says he has been "told that the ornaments provided for the embellishments of the lovely persons of our fair citizens were extremely rich and superb, and probably," he adds, "in many degrees above the taste of so plain a Virginia planter as the worthy George Washington." [1]

Taking up again the newspaper account of the day, we learn that the Intendant and Wardens, having installed the President in Mr. Thomas Heyward's house, retired to the Council Chamber and "Ordered: That the Recorder do wait on the President of the United States to know when he would be pleased to receive the corporation with their address;" and that mercurial official, being despatched on his mission, returned with the announcement that the President, at three o'clock next day, would receive them. The first day the President dined with the Governor and a few select friends.

By a familiar visitor, we are informed, that the collection of statuettes, medals, etc., in the house in which the Governor entertained Washington, rendered it almost a museum; that his fine library, occupying an entire suite of three rooms, contained many thousand volumes of the most rare and choice books, collected from every quarter, and near a score of splendid paintings, and these rooms overlooked a garden of choicest flowers.[2] The whole of this large mansion was, on a subsequent occasion, thrown open to the public; but on this first occasion it was Washington and his particular friends that the Governor entertained.

On the following day the city authorities waited upon the President with their address, which the Intendant read and presented. It is a production quite suited to the occasion: —

[1] Keith's Works, p. 428.

[2] "Charles Pinckney, LL.D., No. 2," by W. S. E. of S. C., written for De Bow's Review Pamphlets, July and August, 1864, Ser. 5, Vol. 2, No. 10, Charleston Library Society.

"To the President of the United States: —

"Sir: The Intendant and Wardens representing the citizens of Charleston find themselves particularly gratified by your arrival in the metropolis of the State. It is an event the expectation of which they have for some time with great pleasure indulged. When in the person of the Supreme Magistrate of the United States they recognize the Father of the People and the defender of the liberties of America, they feel a particular satisfaction in declaring their firm persuasion that they speak the language of their constituents in asserting that no body of men throughout this extensive continent can exceed them in attachment to his public character or in revering his private virtues, and they do not hesitate in anticipating those blessings which must be ultimately diffused amongst the inhabitants of these States from his exertions for their general welfare, aided by those in whom they have also vested a share of their confidence. Go on, sir, as you have done, continue to possess as well as to deserve the love and esteem of all your fellow-citizens while millions in other parts of the globe, though strangers to your person, shall venerate your name. May you long be spared to receive those marks of respect which you so entirely merit from a grateful people, and may all who live under your auspices continue to experience that freedom and happiness which is so universally acknowledged to have proceeded from your wise, judicious and prudent administration.

"Arnoldus Vander Horst Intendant."

To this the great Washington, with that splendid balance which ever held him first among his contemporaries, responded: —

"Gentlemen: The gratification you are pleased to express at my arrival in your metropolis is replied to with sincerity, in a grateful acknowledgment of the pleasing sensations which your affectionate urbanity has excited. Highly sensible of your attachment and

favorable opinion, I entreat you to be persuaded of the lasting gratitude which they impress and of the cordial regard with which they are returned. It is the peculiar boast of our country, that her happiness is alone dependent on the collective wisdom and virtue of her citizens, and rests not on the exertions of any individual. Whilst a just sense is entertained of their natural and political advantages, we cannot fail to improve them and with the progress of our national importance to combine the freedom and felicity of individuals. I shall be particularly gratified in observing the happy influence of public measures on the prosperity of your city, which is so much entitled to the regard and esteem of the American Union."

Upon this response the City Council retired, and the merchants came forward with their address, to which the President again made answer, attuning the same to a slightly minor key; and then came the public dinner, at six shillings for each person, and the best Madeira wine at five shillings a bottle.

The next day the President dined with the Governor again, but in public, and on the next with that descendant of the House of Ormonde, who had given up the King's commission to serve as Adjutant-General of South Carolina, in the Revolutionary War, and at the time of the visit represented the State in the United States Senate.

And so from day to day through the week. His portrait, it was arranged, was to be painted for his hosts, and still adorns the Council Chamber; he attended divine service at St. Philip's and St. Michael's, and when finally escorted to the city limits by the Intendant and Wardens and thanked upon the occasion of his departure, returned his thanks with the statement that should it ever be in his power it would give him pleasure "to visit this very respectable city."

That he was pleased with his visit to the State we may assume on the characterization of the manner of his entertainment, near Georgetown, by Colonel William Alston, "which he pronounced to be truly Virginian." [1] Could praise rise higher? Possibly, for he declared of his host's plantation that "he had seen nothing in all his travels so justly entitled to be called a fairy-land as the rice-fields of the Waccamaw in the genial month of May." And this compliment, related to the subject of this sketch, was preserved by him forty years later, in the discharge of a filial duty to his father-in-law, who had told him of it.

[1] "Obituary of Colonel William Alston," by Robert Y. Hayne in *Charleston Mercury*, July 1, 1839.

BOOK I

PREPARATION

CHAPTER I

ROBERT Y. HAYNE'S PARENTAGE, BIRTH AND EARLY YEARS; THE POLITICS OF CHARLESTON AT THAT PERIOD

JOHN HAYNE, the founder of the Hayne family in South Carolina, came to the Province in 1700, settling in Colleton County. Little is known of his antecedents save that his family had resided in Shropshire, England,[1] three miles from Shrewsbury; that the name was not infrequently spelled Haynes; and the arms, as given in Burke, were used at a very early period by the Hayne family in the Province.

John Hayne, or Haynes, married Mary Deane, by whom he had eight children, from the eldest of whom descended the subject of this sketch; while from the seventh was descended Colonel Isaac Hayne, taken in arms and executed during the Revolutionary War by Lord Rawdon.

John Hayne, the second, married Mary Edings, by whom he had four children, the third of whom, Abraham, was born in 1732 and was therefore thirteen years the senior of his cousin, Colonel Isaac.

Abraham married Susannah Brantford, by whom he had three children. It has been asserted that he, too, was captured and imprisoned by the British authorities during the Revolutionary War;

[1] "The Hayne Family," by Theo. D. Jervey, Vol. 5, *So. Ca. Hist. & Gen. Mag.*, p. 168.

the assertion being made as early as 1834,[1] a time at which there were still living participants in that struggle. And it has also been declared that he died about 1781 of fever, contracted aboard a prison-ship.[2] If, as stated, he died in the arms of his son William, it is clear that the latter must have been a mere youth, as he was not born before 1766. This son William, the father of Robert Y. Hayne, died at fifty-one; yet, as his wife bore him, in the thirty-one years of his married life, fourteen children, two of whom attained distinction and prominence, he may be said to have contributed to the advancement of his section. Apart from his marriage to Elizabeth Peronneau, little is known of him; but that he must have been a man of recognized force and character is evinced by the fact of his election, at the age of twenty-three, as a member of the convention which framed the new constitution of the State, before alluded to, in the year just preceding the birth of his illustrious son. This son Robert, the fourth son and fifth child of William and Elizabeth Hayne, was born on the tenth day of November, in the year 1791.

At that time, and for some time afterward, his father lived at Pon Pon plantation in Colleton District.

The Christian and middle names of the child were derived from an uncle by marriage, a Scotchman, Dr. Robert Young, to the care of whose widow he was confided from the period of his birth until about his tenth year.[3] Silent, thoughtful and self-controlled, he developed the quality of observation and the power of memory, in no way exhibiting any precocious traits. For nine years he lived at Beaufort, South Carolina; but in 1800 he came to Charleston, where he entered first the school of Mr. Mason and later that of Dr. John Smith. The reputation of the latter as a graduate of

[1] "National Portrait Gallery," Vol. 2, p. 8.

[2] "Lives of Robert Young Hayne and Hugh Swinton Legaré," by Paul H. Hayne, p. 16.

[3] *Ibid.*, by Paul H. Hayne, p. 10.

an European university and a classical scholar of some distinction, we find noted as late as 1878; but of the claims of the former, to the qualifications of an instructor of youth, there is only discoverable his advertisement in the daily press of the day: —

"English School
"Trott Street.

"The exercises of this as well as the other schools under my direction recommence This Day. Hours of attendance for Young Ladies at my house in Quince Street from eleven until two. Instruction in Dancing, Music and in the French Language may be had in addition to the usual school exercises. Boarding, lodging and washing on the most reasonable terms, or Breakfast and Dinners as may suit the convenience of those at a distance.

"The public's most obedient
"William Mason, A.M.

"N.B. A classical Assistant wanted. One hundred and fifty guineas punctually paid, quarterly, and Boarding and Lodging in my family are offered a gentleman properly qualified. Apply at my house within the hours of 7 and 8 in the morning." [1]

When it is realized that the above qualifications procured for their possessor, in addition to board and lodging with a genteel family, more than half again as much as was paid in salary to the circuit solicitors, then fixed at £100 apiece, and more than three-fifths the salary of the Attorney-General of the State, it affords a striking illustration of the desire for culture.

During the nine years which had elapsed between Hayne's birth and arrival at Charleston, Arnoldus Vander Horst had succeeded Charles Pinckney as Governor, and he, in turn, given way to General William Moultrie, who in 1796 had relinquished the

[1] *So. Ca. Gazette*, June 2, 1800.

office to Charles Pinckney, for the third time, that extraordinarily gifted individual having just returned from an extended visit to Europe, where with letters from Washington and Franklin he had met the most distinguished men of the day [1] on terms of intimacy. Sent to the United States Senate in 1798,[2] he had been holding that office for two years and was in a position to observe that the strength of the Federalists, which had been on the ebb in the State ever since the adoption of the State Constitution, was also now distinctly waning in the nation.

The city of Charleston seems, however, to have prospered under Federal politics. The customs had more than trebled, and upon one day, in the busy season, exclusive of coasters, as many as 117 [3] sail were noted in the harbor. Regular lines to Cuba, Jamaica, England and France advertised their dates of sailing; while rum, logwood and mahogany logs, Bordeaux claret of a superior quality, silver and gilt watches, ladies' elegant gold watches, gentlemen's elegant gold watches, seals and silver knee buckles,[4] were articles of ordinary import. From what was to be had at W. P. Young's book-store, 43 Broad Street, one obtains an idea of what was read: "Claim and Answer of Andrew Allen *vs.* United States under Treaty with Great Britain," Parks's "Travels in Africa," Gisborne's "Duty of Women," Robertson's "History of America,"

[1] Notes from his destroyed journal, kept during his visit, indicate: 1. Dinner at M. Talleyrand's: Topics discussed: Persons present: Style of a French Dinner party.

2. Names and description of several ladies with whom I conversed. A soirée: The style, grace and wit of the French.

3. A day with Marbois and Marquis de Lafayette. French views of America.

4. Memoranda of pictures, gardens and public buildings in Paris.

5. Discussion at the club with M. Le Roy and Charles Arnould on the politics of America.

6. A view of the French capital and the French people as seen by an American. Pamphlet W. S. E., possession of Charles Pinckney, Esq.

[2] Charleston Year Book, 1884, p. 338.

[3] *So. Ca. Gazette*, Jan. 1, 1801.

[4] *Charleston Courier*, July 3, 1800.

Hume's "History of England down to 1783," Adams's "Defence of the American Constitutions," Count Rumford's "Essays," Gouverneur Morris, S. S. Smith and Fisher Ames's orations; while for twelve and a half cents one could obtain "Alfred, a poem in blank verse written by a Carolinian, 18 years old, now a student of Yale college in Connecticut." Subscribers to Kotzebue's works were asked to call for sixth, seventh and eighth volumes; while it is also announced that a translation from the German of his tragedy "Pizarro" and an adaptation of it to the English stage by Richard Brinsley Sheridan (first Charleston), twentieth London edition, was also to be had.[1] For the display of histrionic talent there were the Charleston Theatre and Vauxhall Gardens; while upon Sullivan's Island the managers of the former had just erected the South Carolina Lyceum. Golf, almost if not entirely unknown at this date elsewhere in America, was played on Harleston Green; but rougher forms of amusement were also indulged in at the Tivoli Gardens, the resort for picnics and bear fights.[2] There was much wining and dining and parading; but, as the crack corps of cavalry paraded at six o'clock in the morning, the soldiering was serious. Indeed, they were police, and most efficient on extreme occasions. On the escape of the Touheys from jail, it is related as an ordinary event that the troopers scattered through the country, and one horseman, chancing the shot with which his command to "halt" was received, cut down the armed convict and brought him in.

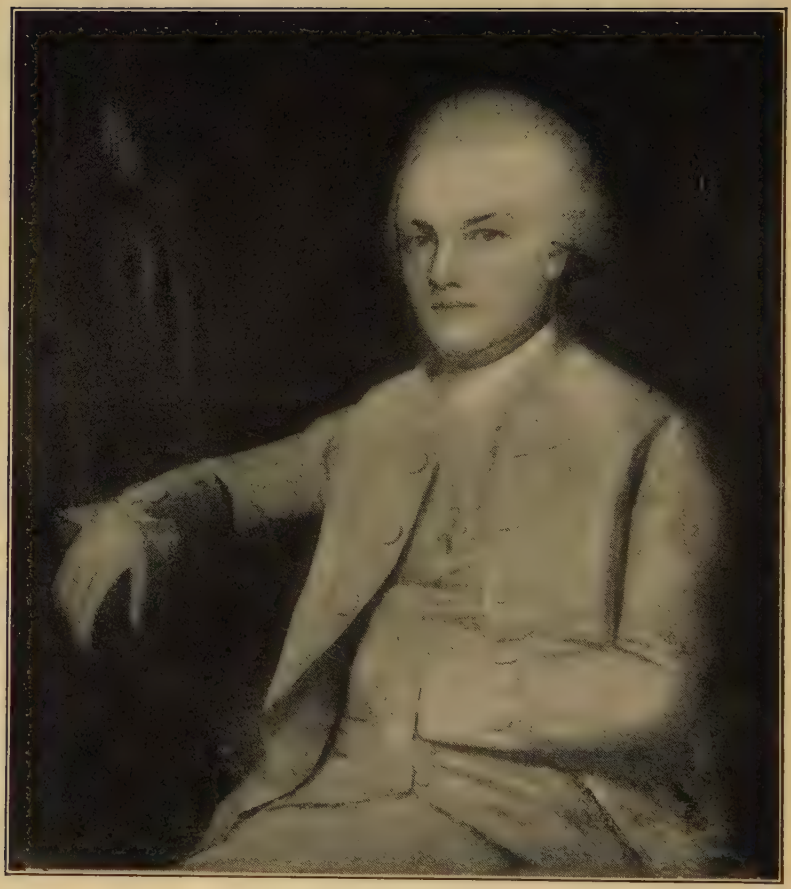
Besides the school of Mr. Mason, before referred to, and the new academy of J. Smith, LL.D., there was the institution of J. J. Negrin, teacher of the French and English school at Archdale Street, and the Charleston College Grammar School.[3] This last-named institution deserves particular mention from the fact that

[1] *So. Ca. Gazette*, July 1, 1800. [2] Charleston Year Book, 1896, p. 410.
[3] *So. Ca. Gazette*, Jan. 1, 1800.

it later developed into the college of that name, whose standard ranks to-day with the best educational institutions of the country; while the breadth and religious tolerance which has ever distinguished it and the city which supported it was evidenced at that early period in the personnel of its instructors. The head was the Reverend Dr. Gallagher, a Roman Catholic priest, and his associates, the Reverend Dr. Buist of the Scotch Presbyterian Church and the Reverend Dr. Purcell, rector of St. Michael's.[1] Interspersed with the above-mentioned advertisements were others, which read oddly enough at this date: "Public Auction — Nine valuable young negroes consisting of Two fellows excellent sawyers, trusty and honest. Two ditto Field slaves. One ditto, a good waiting man 19 years old. One wench, a complete cook, washer and ironer, with her child 19 months old. One girl very handy about house 12 years old. One ditto 11 years. Conditions cash in specie dollars at 4 shillings eight pence." Also "A nurse for Hire. A negro woman who has been for several years employed in nursing young children. She is sober, honest, and remarkably tender with her charges."[2] Besides these the continually recurring cut of a vagabond, with the accompanying "Ran away a negro fellow, etc."

Whatever impression the reader might draw from the above, it must be borne in mind also that the Santee Canal, a great work for the time, was partially completed about this time and in operation for some miles.[3] At this period, and for some time previous, Charles Pinckney had been distinctly the strongest political influence in the State. To his great speech twelve years prior, urging in convention the ratification of the Constitution of the United States by his own State, he had added another, almost

[1] "Life and Times of William Lowndes," p. 38.
[2] *So. Ca. State Gazette*, July 2, 1800.
[3] *City Gazette*, Sept. 19, 1809. Ad. July 2, 1800; *So. Ca. Gazette.*



CHARLES PINCKNEY.

as remarkable in the Senate of the United States in the consideration and discussion of that instrument. The first discloses the mental force which, in the main, urged South Carolina to the Union; the second as distinctly marks the reaction, which inclined her to the views of Jefferson. Before any allusions are made to this impending change, so clearly seen to be inevitable by the senator, a consideration even, in part, of the speech in which he advocated the adoption of the Constitution in 1788, will be enlightening. Any abridgment must do some injustice to that great argument; but at least it may indicate, in some measure, the views of the man at that time of greatest influence in South Carolina, with regard to her connection with the Union.

On that occasion he said: "We have been taught to believe that all power of right belongs to the people; that it flows immediately from them, and is delegated to their officers for the public good; that our rulers are the servants of the people, amenable to their will and created for their use. . . . Without a precedent and with the experience of but a few years were the convention called upon to form a system for a people differing from all others we are acquainted with. The first knowledge necessary for us to acquire was a knowledge of the people, for whom the system was to be formed; for unless we were acquainted with their situation, their habits, opinions and resources, it would be impossible to form a government upon adequate or practicable principles. If we examine the reasons which have given rise to the distinctions of rank that at present prevail in Europe, we shall find that none of them do or in all probability ever will exist in the Union. The only distinction that may take place is that of wealth. Riches no doubt will ever have their influence, and when they are suffered to increase to large amounts in a few hands then they may become dangerous to the public. . . . Those, however, are dangers that I think we have very little to apprehend for these reasons, one is from the

destruction of the rights of primogeniture. . . . In the Northern or Eastern States . . . laws have been long since passed in all of them destroying this right. . . . Another is that in the Eastern and Northern States the landed property is nearly equally divided, very few having large bodies, and there are few of them that have not small tracts. . . . The people of the Union may be classed as follows: Commercial men who will be of consequence or not in the political scale as commerce may be made an object of the attention of government. As far as I am able to judge, and presuming that proper sentiments will ultimately prevail upon this subject, it does not appear to me that the commercial line will ever have much influence in the politics of the Union. *Foreign Trade* is one of the enemies against which we must be extremely guarded, more so than against any other, as none will ever have a more unfavorable operation. I consider it as the root of our present public distress, as the plentiful source from which our future national calamities will flow, unless great care is taken to prevent it. Divided as we are from the old world, we should have nothing to do with their politics and as little as possible with their commerce — they can never improve and must inevitably corrupt us. . . . Another distinguishing feature in our union is its division into individual states, differing in extent of territory, manners, population and products." Elaborating this, he indicates a knowledge so exact as to be most surprising in that day of poor travelling facilities. But his consideration of the various governmental experiments is still more surprising. "The inconveniences which too frequently attend these differences in habits and opinion among the citizens that compose the Union are not a little increased by the variety of their State governments; for as I have already observed, the constitutions or laws under which a people live never fail to have a powerful effect upon their manners — we know that all the States have adhered in their forms to the republican principle

though they have differed widely in their opinions of the mode best calculated to preserve it. In Pennsylvania and Georgia the whole powers of government are lodged in a legislative body of a single branch, over which there is no control; nor are their executives or judicials from their connection and necessary dependence on the legislature capable of strictly executing their respective offices. In all the other States except Maryland, Massachusetts and New York they are only so far improved as to have a legislature with two branches which completely involve and swallow up all the powers of their governments. In neither of them are the judicial or executive placed in that firm or independent situation which can alone secure the safety of the people or the just administration of the laws. In Maryland one branch of the Legislature is a Senate chosen for five years by electors chosen by the people. The knowledge and firmness which this body have upon all occasions displayed, not only in the exercise of their legislative duties but in withstanding and defeating such of the projects of the other house as appeared to them founded in local and personal motives have long since convinced me that the Senate of Maryland is the best model of a senate that has yet been offered to the Union; that it is capable of correcting many of the vices of the other parts of their Constitution and in a great measure atoning for those defects which in common with the States I have mentioned are but too evident in their execution — the want of stability and independence in the judicial and executive departments. In Massachusetts we find the principle of legislation more improved by the revisionary power which is given to their Governor and the independence of the Governor. In New York the same improvement in legislation has taken place as in Massachusetts; but here from the executive being elected by the great body of the people, holding his office for three years and being reëligible, — from the appointments to office being taken from the legislature and placed

in a select council, — I think the Constitution is upon the whole the best in the Union." After an allusion to recent disorders and abuse of power in Rhode Island and the check administered to same in Massachusetts, which he cites as affording an apt illustration of the advantage to be derived from republican institutions where enjoyed by States of great extent and population, he reaches the most important point of his consideration which he signalizes with this declaration: "In every government there necessarily exists a power from which there is no appeal and which for that reason may be termed absolute and incontrollable. The person or assembly in whom this power resides is called the sovereign, or supreme power of the State. With us the sovereignty of the Union resides in the people. . . . In their individual capacities as citizens the people are proportionately represented in the House of Representatives . . . the States . . . will find in the Senate the guards of their rights as political associations. On them, I mean the State systems, rests the general fabric . . . each depending upon, supporting and protecting the other; nor, so intimate is the connection, can the one be removed without prostrating the other, like the head and body separate them, and they die." Then after enumerating some of the advantages of republican institutions, he inquires: "On what depends the enjoyment of these rare inestimable privileges — on the firmness, on the power of the Union to protect and defend them. . . . It must be obvious that without a superintending government it is impossible the liberties of the country can long be secured. . . . Let us then be careful in strengthening the Union." And calling on the States to "dedicate a part of the advantages to that government from which they received them," [1] he asserts his opinion that the State will find it in consonance with her advantages, her safety and her honor to ratify the Constitution.

[1] *State Gazette*, June 9, 1788.

Pinckney's objection to the multiplication of office in the person of one individual is in no manner contradictory to the above, and to the construction of some of the powers of the executive as made apparent by the acts of Adams, he at this later time interposed objection. His "bill to prevent the judges of the United States from accepting or holding any other office, while they continued as judges,"[1] was brought about by Adams's appointment of the Chief Justice of the United States as envoy extraordinary to France. In support of it he delivered a powerful speech; but on a full vote it was lost by two votes. This speech, delivered at the close of the session and the senator's advocacy of Jefferson, aroused the Federalists of Charleston. The organ of that faction gives this account of the celebration of the Fourth of July: "Friday last was the 24th anniversary of American Independence. It was honored and celebrated by the citizens of Charleston with grateful joy and respect. Federal salutes from the forts and the ringing of bells announced the dawn and were repeated throughout the day. The American flag was displayed on the forts and the shipping. The regiments of Infantry, Artillery and Cavalry paraded and were reviewed by his honor the Lieutenant-Governor, Brigadier-General Vander Horst and a number of distinguished military and civil characters. The Cincinnati and Revolutionary Societies assembled and walked in procession to St. Philip's Church. Prayers were read by the Right Reverend Bishop Smith, and an elegant and perspicuous oration commemorative of the day was pronounced by the Honorable John Julius Pringle of the Revolutionary Society. The memory of the illustrious Washington and his distinguished services were brought to view in an affecting manner. The name of John Adams, our worthy President, was dwelt on with emphatic praise and gratitude for that immortal Declaration of Independence which was with manly firmness proposed by him in the Colonial

[1] *City Gazette*, July 2, 1800.

Congress of '76 and carried into execution and supported to the present day with exemplary patriotism and consistency. Thomas Jefferson was accredited for the elegance of language with which it was clothed; and much more that he never merited, for that excepted, the American people are unacquainted with any acts which can exalt him or benefit them. The different societies dined together, and the day closed socially and with harmony as it commenced." [1]

But it so happened that one writing under the *nom de plume* "Americanus," entertaining a somewhat different view of the public services of Jefferson, had, on the Fourth of July, in the *City Gazette*, called upon the public to remember him. Charles Pinckney seems to have been suspected of the authorship, and in the *Courier* that harmony alluded to is rudely broken with the following: "An eulogy in fustian bombastic burst forth in the *City Gazette* of the Fourth of July to the glory and praise of Thomas Jefferson. Americans were called on to remember! What? That the persecuted Jefferson that day twenty-four years previous proposed the Declaration of Independence which made us free. Thus far the cloven-footed Americanus. But remember it was not the public weal that brought forth that manly, energetic, noble declaration. No, no, it was Jefferson's own private weal. That he might be free from his British debts." This was signed by "Truth" and followed by a bit of doggerel addressed "To the speech-writing, speech-making, speech-printing senator," with an explanatory footnote to the effect that "Charlie always writes his speeches, reads them aloud with a stentorian voice and has them printed." Then finally, that all may understand at whom this is aimed, we have the conclusion: "Charles Pinckney affirms that the Jacobins held a caucus after the adjournment of Congress, and the conclusion drawn by Charlie is that nought but death can prevent the Presi-

[1] *State Gazette & Timothy's Daily Advertiser*, July 7, 1800.

dency of Jefferson." [1] To which may be added that he was borne out by subsequent events.

These were the matters agitating the community when Robert Y. Hayne, a boy between nine and ten, made it his home; and, as he grew in years, "a reflective, studious youth of gentle bearing and amiable manners, he won despite a certain reserve, the affectionate sympathy both of his master and his comrades." [2] His kinsman, the poet, tells us that "the favorable impression he produced in those earlier days was moral rather than mental." He also is authority for the statement that "a large proportion of his childhood and youth was spent in the country," and "rural labors and rural sports gave that peculiar vigor, firmness and elasticity to his physique, which enabled him afterward to accomplish work which might have exhausted a feebler constitution." Instances of his pertinacity as a hunter and of his self-control and mental balance at a period far more superstitious than to-day are also cited by him as illustrative of unusual strength of character; but these days of youth swiftly passed. The progress of his education under Dr. Smith was interrupted by the removal of that gentleman from Charleston, and the pecuniary condition of the youth not admitting of a collegiate education, between the years of seventeen and eighteen, as a law student, he entered the office of the Honorable Langdon Cheves,[3] at that time State senator from Charleston, or, as it was called, the Parish of St. Philip and St. Michael. These were the eight years of Jefferson's two administrations, in the first four of which Charles Pinckney had been away as Minister to Spain, returning to be elected Governor for the fourth time in 1806.[4] During his absence his cousin, Charles Cotesworth, had unsuccessfully contested Jefferson's second candidacy, and

[1] *State Gazette*, July 9, 1800.
[2] "Hayne and Legaré," by Paul H. Hayne, p. 11.
[3] O'Neall, "Bench & Bar," Vol. 2, p. 11.
[4] *So. Ca. Hist. & Gen. Mag.*, Vol. 2, p. 147.

during this term of Charles Pinckney as Governor, Madison's first candidacy. The fact that the Federal candidate for the Presidency, for two successive occasions, was a resident of the city of Charleston, was well calculated to turn the attention of the youth of that place to politics; and it is more than probable that in the meetings of the debating society which were held in the schoolroom of Mr. Michael O'Donovan, in Queen Street, and of which Hayne was a member, politics were discussed. A contemporary, "a learned and eminent jurist," later writes: "In that society he took a leading part and seldom failed to speak on every question chosen for discussion. His views were so well arranged and to the point as to have much weight in the appointed debate, and if any unexpected question was started in it which claimed a prompt consideration, he seemed as ready to meet it as if it had formed the subject of inquiry." [1] Associations there were likely to have been the reverse of Federalistic and while never an extremist, his patron and adviser, then Attorney-General of the State and soon about to begin his brief but brilliant career in Congress, must have been more of a Republican than a Federalist. In the last of this year, 1809, John C. Calhoun was made an aide-de-camp of Governor Drayton; while William Lowndes, who with him and Cheves had distinguished himself in the Legislature, was so lightly esteemed by the citizens of Charleston as to be defeated by one William Turpin [2] in his candidacy to succeed Cheves as State senator from Charleston. Whether this was due to Lowndes's politics, which we are told nearly cost him his wife [3] (Major Thomas Pinckney doubting whether his daughter could be given in marriage to a Republican), or resulted from the fact of his being less well known to the rank and file of voters, is immaterial; for if the

[1] O'Neall, "Bench & Bar," Vol. 2, p. 22.
[2] *Charleston Courier*, March 17, 1809.
[3] "Life and Times of William Lowndes," p. 59.

Federal party still retained their strength in the city, it was dead in the State and nation; while Madison, by sending to the Senate the name of John Quincy Adams as Minister to Russia, was splitting it even in Massachusetts; for although at first rejected, in March, by a vote of 17 to 15,[1] he persisted, and on July 7 forced him through by 19 to 7.[2] The Adamses, father and son, then aligned themselves openly with the Republican party, and doubtless it was the evidence of the spirit of secession in Massachusetts, recognized by them two years prior to the Massachusetts Declaration of Nullification, as much as the official appointment of John Quincy Adams, that brought them over to the administration. In Charleston, however, differences were less sharp, and Federalists and Republicans came together at a meeting held in St. Michael's Church "to evince confidence in the general government and their determination to support the Union, Constitution and rights of the country." [3] The committee appointed to draft resolutions consisted of Charles Pinckney, Keating L. Simons, Langdon Cheves, Peter Frenaud, Judge Gaillard, William Loughton Smith, Thomas Lee, John Blake, Major Thomas Pinckney, Dr. David Ramsay, Simon Magwood, William Lowndes, John Ward, Judge Johnson and John Geddes. These resolutions, transmitted to the President, were by him acknowledged Sept. 20, 1809.[4] From this time on the influence of Charles Pinckney, then in his fifty-third year, waned rapidly. In the twenty years in which his influence had been so pronounced, the white population had risen from 140,000 to 215,451, and the negro population from 108,000 to 209,919 in the State; while the population of Charleston, the fifth city of the Union, had increased from 16,359 to 24,711.[5]

[1] *Courier*, March 22, 1809. [2] *Ibid.*, July 7, 1809.
[3] *Ibid.*, Aug. 30, 1809; *City Gazette*, Aug. 30, 1809.
[4] *City Gazette*, Oct. 5, 1809. [5] Charleston Year Book, 1883, p. 393.

As early as 1800, Pinckney's remarkable views on *Foreign Trade* had begun to be questioned; for the subject noticed for debate at the "Debating Society meeting Saturday," July 5, 1800, by the organ of his own faction, indicates it, "Is commerce productive of more advantages than manufactures are?" The embargo of 1808 had reduced the value of cotton exports from the city one-fourth;[1] but as we have before seen, it did not prevent the citizens from coming together in support of the "Union, Constitution and rights of this country." The period was close at hand when the views of Langdon Cheves, William Lowndes and John C. Calhoun should influence the State and Union profoundly; but in all probability the individual then exerting the greatest impulse upon the thought of the State was the accomplished and versatile Stephen Elliott, at that time in the morning splendor of his mental development. Of him it could be truly said that such was the felicity of expression and purity of his style that he could clothe the driest details of science with a beauty as rare as attractive. To the young law student, seeking for knowledge, this mine of information was invaluable, and from it he drew supplies which enabled him in the future to build greatly.

In all that pertained to a metropolitan city of that date, including an excellent stock company at the theatre, Charleston kept pace with the largest cities of the Union. Yet there is an independence of view greatly to the credit of the city, indicated in the announcement that the Charleston College contained at that time 110 pupils, viz., that the trustees of the institution did not desire that it should have more than 30 pupils to each teacher.[2]

With regard to the negro population in the State, investigation reveals some curious opinions held by the ruling whites of that day. At the May sessions presided over by Judge Smith, we note these sentences, imposed no doubt strictly in compliance

[1] *Courier*, April 13, 1809. [2] *Ibid.*, July 12, 1809.

with the law, by one famed for his deliverances upon the subject of negro slavery, later in the United States Senate: "James Handon, for killing a negro, fined £50." "George Burns and Robert Welch, negro stealers, to be hanged." [1] Yet two years prior we read the following short but extremely pointed statement of a case decided by the constitutional court at Columbia: "Indictment for an assault in Greenville district. David Burden, a man of color, but born of a free white woman, was offered as a witness to give evidence in support of the prosecution, and was refused to be admitted by the judge who presided. On motion it was determined in this court by all the judges that any person of color, if the issue of a free white woman, is entitled to give evidence, and ought to be admitted as a witness in our courts." [2] Nevertheless the committee to whom was referred a petition in the close of the year 1809, from the free negroes and mulattoes of Charleston, to the Legislature, the prayer of which was apparently the repeal of the capitation tax, simply reported "that it would be extremely impolitic to extend to that class of the population an exemption from the capitation tax." [3]

[1] *Courier*, May 27, 1809.
[2] State *vs.* McDowell, 2 Brevard's Reports, p. 145.
[3] Journal of the House of Representatives, S.C., Nov. 27, 1809.

CHAPTER II

THE GENESIS OF NULLIFICATION

In his "History of the United States," Elson says: "In the spring of 1810 the American Congress removed the restrictions on foreign commerce, but forbade intercourse with England or France if either continued hostile to our trade. . . . Napoleon had issued his Rambouillet Decree, confiscating all American ships found in French waters. But on learning of this act of Congress, he offered to revoke his Berlin and Milan decrees." [1] Napoleon was suspected of duplicity; but his attitude was not as arrogant as that of Great Britain.

Says Elson: "On the partial opening of our trade with France, British armed vessels were again sent to blockade New York, and amused themselves capturing vessels bound for France and impressing American seamen. . . . The Twelfth Congress met in December, 1811. It differed greatly from its immediate predecessors. No longer do we find the temporizing spirit; no longer was Congress dominated by the fathers of the Revolution. A new generation had arisen to take charge of public affairs. . . . The leaders of this new school were Henry Clay of Kentucky and John C. Calhoun of South Carolina." He goes on to state that they were ably seconded by Felix Grundy of Tennessee and Langdon Cheves and William Lowndes of South Carolina, to which is appended a note that Clay had served a short time as senator; but this was his first entrance into the House.

[1] Elson, "History of the United States," Vol. 3, pp. 4, 7 and 9.

Clay and Cheves had both played a notable part in the closing hours of the Eleventh Congress. In the Senate, entering December 13, 1810,[1] Clay had pushed through the Orleans territory bill [2] and censured Pickering of Massachusetts [3] for a palpable violation of the rules of the Senate, for the latter's publication of a confidential communication from the President. Cheves did not take his seat in the House until Jan. 24, 1811,[4] and therefore was not present when the even more distinguished representative of Massachusetts attacked the Orleans bill with his famous secession speech; but he was present on the occasion of the discussion concerning the non-intercourse bill, from the passage of which flowed such remarkable sequelæ in Massachusetts in the same year. Judged by the utterances of her most distinguished men in Congress, Massachusetts was fairly seething with the spirit of secession. Joseph B. Varnum of Massachusetts was Speaker of the House, and Josiah Quincy the most distinguished member. On the bill, to enable the people of the territory of Orleans to form a Constitution and State government, and for the admission of such State into the Union, the eloquent member from Massachusetts, Mr. Quincy, declared: "It is my deliberate opinion that if this bill passes, the bonds of the Union are virtually dissolved; that the States which compose it are free from their moral obligations; and as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation, amicably if they can, violently if they must." [5] For this he was called to order by Mr. Poindexter of the Mississippi Territory. Mr. Quincy repeated and justified the remark. Mr. Poindexter required the decision of the Speaker, and Mr. Quincy, somewhat

[1] Abridgment of the Debates of Congress, Vol. 4, p. 252.
[2] *Ibid.*, Vol. 4, p. 313.
[3] *Courier*, Jan. 14, 1811.
[4] Charleston Year Book, 1884, p. 343.
[5] Abridgment of the Debates of Congress, Vol. 4, p. 327; *Courier*, Jan. 31, 1811.

scornfully, joined in the request. The Speaker decided he was not in order. Mr. Quincy appealed from the decision, and it was reversed by 56 to 53. The contrast between this vote and the idea of the Union entertained by Charles Pinckney, as indicated by his great speech of 1788, is striking. Quincy was extremely elated at the indorsement of his views. He spoke of a separation of the States on the passage of the bill as absolutely inevitable.[1] In a lengthy argument, he contended that the Constitution of the United States was a political compact, securing certain rights to each as partners in an association established by the States.[2]

These views of Quincy must have attracted notice. He himself proudly declares in the speech, "These observations are not made in a corner;" and certain it is that the speech was spread out in full in the Federal *Courier* of Charleston, where the young law student Hayne could easily read it, whether at that time he sympathized with the view or not. Langdon Cheves was not at the time of its delivery in Congress; but he took his seat in time to hear Quincy's attack on the non-intercourse bill, and to reply to that. This speech of Cheves does not appear in the abridgment of the debates, although allusion to the "ingenious argument" of "an honorable gentleman from South Carolina (Mr. Cheves), whom I am very much inclined to respect," does.[3] Mr. Cheves stated that he was not very greatly impressed with the bill; but favored it because "it would precipitate us upon a particular enemy, and that the country required." [4] As "it would have been suicidal to fight both England and France," and "France presented no vulnerable point," there was some merit in the act which precipitated us against but one, and more discretion than

[1] Abridgment of the Debates of Congress, Vol. 4, p. 327.
[2] *Ibid.*, Vol. 4, pp. 328, 329.
[3] *Ibid.*, Vol. 4, p. 391.
[4] *Courier*, Feb. 19, 1811.

that which might have followed upon the adoption of Quincy's suggestion "to show ourselves really independent; and look to a grateful, a powerful and then united people for support against every aggressor." But Cheves was not content with the argument of expediency; he showed that it was not, as Gardenier, an opponent argued, "when either of the belligerents shall cease to violate our rights," but "when either of the belligerents shall so revoke or modify edicts, as they the edicts shall cease to violate, etc."; while taking up the contention of Quincy that the "decrees were not revoked because they were fundamental laws of the Empire and the alleged revocation, but the act of a minister," he asserted: "It is necessary for the gentleman to prove that it is not equally high as authority; I deny it is not: France is a despotism . . . when such is the case, what do you want but a declaration . . . no man doubts its supremacy." By an overwhelming majority the bill became law; but it provoked the Faneuil Hall meeting nullification resolutions.

These resolutions have been treated with great tenderness by both Webster and McMaster. It has been claimed no force was threatened.

Forcible resistance was distinctly threatened. In spite of Quincy's threat of secession, the enactment of the bill "to permit the people of Orleans territory to elect a convention to form a Constitution, preparatory to its admission into the Union," created no excitement. Even the debate on the amendment by the Senate, inserting the word "white" [1] before "free male inhabitants," lacked fire. Fisk of New York did speak against it. He claimed "that in almost all the States, free persons, whether black or white or colored, if they had the proper qualifications otherwise, were allowed to vote . . . color was a mere matter of accident. . . . All men were born free and equal," etc. To

[1] *Courier*, Feb. 27, 1811.

which Sheffey of Virginia briefly replied "that such doctrines would prostrate the civil institutions of Virginia," and that seemed to end it. But the passage of the non-intercourse act stirred New England. On March 30, at Faneuil Hall, Boston, there was a meeting at which a preamble and numerous resolutions were adopted, from which the following extracts give some idea of the temper of the people of that section: "Whereas the government of the United States . . . has for many years past manifested a disposition alarmingly hostile to that commerce, on which the prosperity of the New England States essentially depends, but most eminently by the late act of Congress, which under the pretence of coercing the only European nation with whom we have any safe or honorable intercourse, inflicts a deadly wound upon the commerce of our country. . . . And whereas the only remedy left us, short of an appeal to force, is a change of our national rulers, and this important measure can only be effected by a corresponding change in the administration of the State, therefore be it resolved: That . . . 6th, that the act of May, 1810, presupposed an honest, unequivocal, unconditional repeal of all the belligerent decrees, not consisting in promise only, but in actual and effective performance. Every citizen had a right to so construe that act and to govern his conduct accordingly. Any law which should have the effect to make such a just construction a crime, any act which should declare an event had taken place which had not happened and should proceed to punish, not those who should hereafter offend, but those who before innocently had judged according to the truth of facts, must not only be *ex-post facto* and void, but unjust, oppressive and tyrannical; lastly that such an unjust, oppressive and tyrannical act we consider the statute passed by Congress on the 2d of March instant, tending to the ruin or impoverishment of some of the most industrious and meritorious citizens of the United States, and that

the only means short of an appeal to force, to prevent such a calamity (which heaven avert), is the election of such men to the various offices in the State government as will oppose by peaceable but firm measures the execution of laws, which, if persisted in, must and will be resisted." [1]

This was a claim to construe a Federal statute, decide it null and void, and a threat of forcible resistance to any attempt to put it in operation. Nullification could go no farther, and never did.

An examination of the numerous and argumentative resolutions passed at this meeting discloses a perceptible irritation against an argument on the line of that of Cheves. These resolutions were set out in full in the *Charleston Courier*, as well as an attempt to show, some three months later,[2] that forcible resistance was not contemplated. It is an interesting fact that just about this time, in South Carolina, the grand jury of his district, in their presentment, congratulated the town of Greenville on the elevation to the bench [3] of that judge who, from it, made probably the strongest argument against nullification ever made in South Carolina. Abraham Nott, born in Connecticut in 1767,[4] had left that State in 1788, immediately upon his graduation at Yale, had been admitted to the bar of South Carolina in 1791, and represented the State as a Federalist congressman in 1800, voting awhile for Burr in preference to Jefferson; but on the thirty-sixth ballot Nott withdrew, and thus permitted Jefferson to be elected.[5]

In December, 1811, William Lowndes and John C. Calhoun took their seats in the new Congress, of which Clay was made Speaker. Cheves, having already made his mark, was given the chairmanship of the important committee on Naval Establish-

[1] *Courier*, April 23, 1811. [2] *Ibid.*, June 28, 1811.
[3] *Ibid.*, May 28, 1811.
[4] O'Neall, "Bench & Bar," Vol. 1, p. 121.
[5] *Ibid.*, Vol. 1, p. 121; City Charleston Year Book, 1884, p. 342.

ment;[1] but both Calhoun and Lowndes made their influence felt also. Calhoun notably so by a powerful speech in reply to Randolph and in support of the report of the committee on Foreign Relations, of which he was a member.

But it was again upon the matter with which Cheves was mainly concerned that Quincy took occasion to express himself, and a remarkable expression it certainly is. "I confess to you, Mr. Speaker, I never can look — indeed, in my opinion no American statesman ought ever to look — on any question touching the vital interests of this nation, or of any of its component parts without keeping at all times in distinct view the nature of our political association, and the character of the independent sovereignties which compose it. Among States the only sure and permanent bond of union is interest. And the vital interests of the States, although they may sometimes be obscured, can never, for a very long time, be misapprehended. The natural protection which the essential interests of the great component parts of our political association require, will be sooner or later understood by the States concerned in those interests. If a protection upon systems be not provided, it is impossible that discontent should not result. And need I tell statesmen that when great local discontent is combined in those sections with great physical power, and acknowledged portions of sovereignty, the inbred ties of nature will be too strong for the artificial ties of parchment compact?"[2] It must be remembered that Quincy was esteemed at this time the ablest Federalist in Congress, and his speeches were spread out in full in the *Charleston Courier*. He seems to have supported the bill for the naval establishment; but what is to be understood from this declaration to his constituents? "While I am at this point, I cannot refrain from noticing a strange solecism

[1] Abridgment of the Debates of Congress, Vol. 4, p. 477.
[2] *Ibid.*, Vol. 4, p. 499.

which seems to prevail touching the term 'flag.' It is talked about as though there was something mysterious in its very nature, as though a rag with certain stripes and stars upon it tied to a stick, and called a flag, was a wizard's wand and entailed security on everything under it or within its sphere." [1] Where such expressions were listened to, it is scarcely surprising that old John Adams, supporting the administration, was termed an "apostate."

The Federalists of Charleston were also opposed to the war; but they did not carry their opposition so far. Nevertheless, at a non-partisan meeting, where they had the brains, although their opponents the majority, by a cleverly drawn amendment, prepared by Keating L. Simons, they almost succeeded in stripping the resolutions in support of same of any force. Yet by indiscreet comment a clever young Federalist, who had participated, drew down upon himself the prophecy that, politically, he had slain himself.

The disclosures of the Henry letters probably did something to cool Quincy's fire; for on the admission of Louisiana, by a vote of 79 to 23, he seems to have made no further comment on the separation, which he had declared was inevitable, should it come to pass, and on June 3, Mr. Calhoun from the committee on Foreign Relations, to whom was referred the message of the President, made a report, stating at large the causes and reasons of a war with Great Britain, and by a vote of 78 to 45 war was declared. The three representatives from South Carolina, — Calhoun, Cheves and Lowndes — were after the Speaker, Clay, the leading members of the House; but D. R. Williams also had acquired influence. In a committee of the whole, Cheves not infrequently carried the House in opposition to Clay; but neither Lowndes, Williams nor he was as close to the administration party as Calhoun. Indeed, all three of these declined to attend

[1] *Courier*, Feb. 28, 1812.

the caucus[1] which renominated Madison, which Calhoun did attend, and the ground they gave, or one of the grounds, was that a caucus of a party, at which 82 were present and 96 absent, was not representative of the party.

At the approach of war, Hayne, although he had not yet attained his majority, his examination for admission was approaching, and with the death of Mr. Cheves's partner much extra work must have been thrown upon him, enlisted in the Charleston Cadet Infantry, of which Keating L. Simons was captain, and within a month after the declaration of war he was made a lieutenant. His brother, Arthur P. Hayne, had two years previous risen to the grade of captain in the regular army, and was to see service and win the commendation and affectionate regard of Andrew Jackson; but the younger brother saw no active service. There seems to have existed an impression that even at this early period he delivered a notable speech before the assembled troops; but this has evidently been confounded with his offering a toast to the American soldier, which indicates quite a familiarity with Ossian, a year later when he was chosen orator of the '76 society to speak July 4, 1814; but in this year, 1812, he must have been too much occupied. He must have been admitted to the bar in October of that year; for Mr. Cheves's partner having died October 1, by the 17th the two following notices appear: —

"The law business of the late Amos B. Northrop has been put into the hands of Mr. Robert Y. Hayne, attorney at law, from whom clients will receive every necessary information. . . .

"Claudia M. Northrop, Administratrix,
"Richard Cunningham, Administrator."

"The subscriber will continue the business of Langdon Cheves, Cheves and Northrop and the late A. B. Northrop on his own

[1] *Courier*, May 30, 1812.

account at the office lately occupied by Mr. Northrop, 36 Meeting Street. Clients are requested to call and make such arrangements as they may think proper.

"ROBERT Y. HAYNE." [1]

A month before his majority, therefore, Hayne was launched in his career as a lawyer, having succeeded to the business of the most prosperous lawyer in Charleston, then just having been re-elected to Congress over John Rutledge, the son of the Dictator.

As chairman of the committee of Ways and Means and of the select committee on Naval Establishment, Cheves wielded an influence in Congress second only to Clay, if second at all to any one, and with Lowndes and Calhoun, his illustrious associates, he shared that influence in the politics of South Carolina which had been formerly wielded by Charles Pinckney, the founder of the Republican party in the State. As an indication of the number of talented men at this period who interested themselves in politics, it may be mentioned that Lowndes was unsuccessfully opposed by that accomplished scholar, Stephen Elliott;[2] while Benjamin Yancey of Edgefield entered the lists against Calhoun. The war fever was too strong, however, for the Federalists to hope for success. Their sentiments with regard to it were not the sentiments of the general mass. While they were toasting, "The war, however we may differ with regard to its expediency, we will lay down our lives in its support," [3] the *Saucy Jack* was being launched, pierced for 16 guns, and the first two cruises of this little privateer of 170 tons burden were somewhat calculated to establish the expediency of the struggle; for within the year she had captured 8 or 9 sail,[4] one of them being the British ship *Mentor*, which she relieved of 60,000 pounds sterling. Farther

[1] *Charleston City Gazette*, Oct. 17, 1812.
[2] *Ibid.*, Oct. 19, 1812.
[3] *Ibid.*, July 16, 1812.
[4] *Ibid.*, Oct. 26, 1812.

north, however, the war was not popular, and, upon the result being known of Clinton's defeat by Madison for the Presidency, the Connecticut *Mirror* published the following bit of doggerel:—

"The day is past, the election's o'er,
And Madison is king once more.
Ye vagabonds of every land,
Cut-throats and knaves, a patriot band;
Ye demagogues, lift up your voice;
Mobs and banditti, all rejoice." [1]

On the reproduction of this by the Federalist *Courier*, a correspondent in the *City Gazette* alludes to that journal as "this debased and degraded paper, the *Courier*." Madison's gentle retort to the opposition member, who, at the launch of the *Adams*, remarked, "What a pity the ship of state doesn't glide as smoothly as this vessel does," described the situation better, "It would, sir, if her crew would do their duty as well."

That the bulk of Mr. Cheves's clients must have been content to intrust their affairs to young Hayne, is evidenced by the fact that within six months of his admission to the bar he appeared as counsel in four cases before the constitutional Court of appeals.[2] In the first as associate counsel, in the second as leading counsel, in the other two, alone. But he finds time now also for other interests. A project being launched having for its purpose the honoring of a young Carolinian naval lieutenant, particularly recommended by Captain Lawrence of the *Hornet* for his behavior on the occasion of her encounter with the *Peacock*, the young man having also been aboard the *Constitution* during her action with both the *Guerrière* and the *Java*, the name of the over-zealous young Federalist, before mentioned, J. W. Toomer, is suggested with Keating L. Simons and R. Y. Hayne as a committee to receive the popular contributions and purchase "the

[1] *City Gazette*, Jan. 20, 1813. [2] Brevard's Reports, Vol. 13, pp. 342–379.

elegant sword" [1] to be presented. The committee was composed of five members, three of whom at least were men some seven or eight years Hayne's seniors, — D. E. Huger, William Lance and Keating L. Simons, the last named being fully fifteen years older, a distinguished lawyer in his prime. That the young attorney, R. Y. Hayne, with H. H. Bacot [2] should have, therefore, been placed on this committee, was a tribute to his popularity, especially as it appears efforts were not lacking in behalf of a clever young man of his own age, which were unsuccessful. The sword having been presented to Lieutenant Shubrick, Hayne interested himself in other matters, and just a week or so prior to the selection of himself and young Toomer as the annual orators of their respective societies, Daniel Webster makes his first appearance in Congress as Quincy retires.

Throughout, Quincy had opposed the war. His last great effort was in opposition to the bill for increasing the army, reported by D. R. Williams of South Carolina. Quincy's utterances were so intemperate as to cause Randolph, on the same side, to protest; but on account of the illness of Williams, Cheves closed the debate with one of the most complete vindications of the war ever made. His speech, temperate and full, contains all the arguments which American historians have subsequently adopted [3] in its behalf.

On that occasion, Cheves said in part: "Gentlemen fruitful in epithets, yet rather fruitful in the abundance than in their variety, have called this an unjust, wicked and wanton war. I, on the contrary, assert it to be a just and necessary war. . . . Great Britain has been properly selected as the first object of our hostility. When a proposition was made to include France as well as Great Britain in the declaration of war, gentlemen on neither

[1] *Courier*, May 1, 1813. [2] *Ibid.*, May 11, 1813.
[3] Abridgment of the Debates of Congress, Vol. 4, p. 697.

side of the House did support it. The opposition prints throughout the Union laughed it to scorn. . . . The government, obliged to resist, was obliged to select its enemy. Should France have been selected? With the blood of our citizens insultingly slaughtered, without the slightest provocation, on the shores of our own territory, unatoned for till the moment of the declaration of war; with the habitual impressment of our seamen in every sea; with the continual and reiterated violation of your rights to seek where you choose a market for your native produce: all before your eyes, and with no hope of discontinuance of these injuries, we are told that we ought to have diverted our enmity from Great Britain and directed it against France. Where, sir, could we attack France? Where, sir, are her colonies into which we could carry our arms? Where could we subject to invasion her provinces? Where are her ships? Where her commerce? Where could we have carried against her any of the operations of war? Would the chivalry of the gentlemen of the other side of the House have suggested an invasion of France? An honorable gentleman from New York (Mr. Gold) said it would not have required another man nor another ship to have resisted France. But how, I pray you? Because such resistance would have been confined to the idle and nugatory act of declaring it. . . . Sir, I feel neither as a Frenchman nor a Briton, but as an American. As a citizen of the United States I have no affection for any other country. . . . Sir, the government did right in discriminating between Britain and France and selecting the former. It was the only mode of making practical resistance. The world would have laughed at us had we declared war against France, who was no longer able to injure us, whom we could not assail with effect, and left the unceasing injuries of Great Britain to go on unresisted and unresented. The world would have considered it as a mere cover for our pusillanimity. . . . Men imprisoned on board ships-of-

war scattered over the ocean and on distant stations, how could they apply to Mr. Lyman in London and give their names? . . . It is an abuse such as cannot be tolerated by an independent nation. It is one which ought to be resisted by war." [1]

On the vote which immediately followed, the bill was passed by 77 to 42.

Yet scarcely a week earlier he had made an even greater speech on the Merchants' Bonds. Of this O'Neall says, "Washington Irving, who heard it, said it was the first speech he had ever heard which gave him an idea of ancient eloquence of the manner in which the great Greeks and Romans spoke." [2] For him to speak at all on this occasion required unanimous consent from a committee, reporting unfavorably, to permit his amendment. The speech is a model of argument, and it swept the House to his view, despite the fact that the Speaker, Clay, opposed it with all the force of argument at his command. Any attempt to reproduce parts of this perfect whole would mar it; but the conclusion of the peroration of Cheves's speech is given, as it indicates the change from Pinckney's view. Speaking of Edward III of England, he says: "He raised armies, equipped fleets, spent vast sums on internal improvements; such demands it was thought the art of making gold alone could supply. The historian says, *He cherished Commerce.*" [3]

[1] Abridgment of the Debates of Congress, Vol. 4, p. 697.
[2] O'Neall, "Bench & Bar," Vol. 1, p. 134.
[3] *City Gazette*, Jan. 11, 1813, and Jan. 12, 1813.

CHAPTER III

CONDITION OF STATE AND FEDERAL UNION DURING WAR OF 1812. HAYNE'S ADMISSION TO THE BAR. HIS MARRIAGE A YEAR LATER AT TWENTY-TWO. THE GREATEST MAN IN THE HOUSE OF REPRESENTATIVES

THE cotton-planting industry could hardly have made much progress up to this time, and the fact mentioned in the press, that a merino ram, imported from Cadiz, brought $510 at auction,[1] would seem to indicate that diversity in industries later, unfortunately, abandoned.

At the Charleston theatre, Cooper frequently appeared, of whom the *Courier* declared, "The most erudite characters in the United States have pronounced a finished actor, the equal of Cooke;" while a year later, in the same paper, is a criticism of Morse as Falstaff in the "First Part of King Henry IV," somewhat akin to Brandes's interesting review of that play: "The historical play of Henry IV, ever since its production in 1598, has never failed to attract the attention and excite the admiration of successive ages; while it inspired the attempts of the best actors. To Jack Falstaff the palm of applause has been universally awarded; nor is it a small test of its difficulty of personation and its dramatic importance to say that the representation of this personage has been attempted, and only attempted, by many performers of acknowledged merit. . . . This character requires superior powers of gesture and uncommon flexibility of voice. . . . In all his

[1] *City Gazette*, May 21, 1810.

tragical performances, Mr. Morse has adopted a happy medium between the dull dignity of Fennell and the ranting rhetorick of Cooper." [1]

Allusion has been made to the launch at Charleston of the *Saucy Jack*, 170 tons, 90 feet deck, 24 feet beam, 76 keel. But this was nothing unusual in the way of shipbuilding; for three years before the ship *Carolina* had been launched at Beaufort, "frame entirely of live oak," [2] while the fitting out of gunboats from that port was not unusual."

Of the temper and disposition of the people, we may judge by the fact that Walter Taylor was in this year, 1813, tried and convicted in Edgefield for sending a challenge to his son-in-law to fight a duel; was sentenced to two months' imprisonment, a fine of $300 and compelled to furnish recognizances in the sum of $1000 to keep the peace.[3]

General Charles Cotesworth Pinckney deserves credit for inducing the Cincinnati Society to take the public stand it did against the practice; but Dr. Philip Moser was the author of the law.

In the first part of this year two young men graduated at the South Carolina College, destined to play quite a part in the politics of the State, — H. L. Pinckney, the son of Charles Pinckney, then serving his last term as representative in the Legislature, and a brilliant Virginian, W. C. Preston, who had happened to stop in Columbia, on his way to Florida, and concluded to make it his home. H. L. Pinckney was the valedictorian of his class, and his subject, "The Comparative Excellence of American Government." [4]

Between this Pinckney family and young Hayne there must have

[1] *Courier*, April 24, 1811.

[2] *Ibid.*, April 8, 1809. Letter from Ralph Izard, Jr., to his mother, Oct. 27, 1808, original in possession of Mrs. Arthur M. Parker, Georgetown, S.C.

[3] *City Gazette*, May 10, 1813.

[4] *Ibid.*, Jan. 4, 1813.

existed quite an intimacy; for in the fall of the year, November 3, Hayne married Miss Frances Henrietta Pinckney, the daughter of Charles Pinckney; but of the young lady no picture has been preserved. Whether he met her at the great national ball, which was given in Charleston about this time, in commemoration of the naval victories, or had known her for a while, there are no means of arriving at; but at twenty-two Hayne's married life began.

In the Legislature of that year an attempt was made by Johnson of Edgefield and Gist of York to overthrow the Free School System. Yancey of Edgefield, Huger, Lance and Crafts of Charleston resisted it, and the attempt failed.[1] Indeed, the members, described as representative yeomanry, were feeling the tax to maintain it during the war, and the great benefit of it had not yet been demonstrated.

In Congress, Daniel Webster had signalized his entrance by the introduction of his celebrated resolutions concerning the Berlin and Milan decrees. This brought him into collision with Calhoun, who was not opposed to the request for information, but objected to the form. Of the resolutions, the editor of the Abridgment of Debates says: "These resolutions gave rise to the principal debate of the session, and the answers to them were expected to inculpate the government for concealing a knowledge of the repeal of the Berlin and Milan decrees until after the declaration of war, and thereby bringing on the war with Great Britain; but the answers were different from what had been expected, and gave an advantage to the administration."[2] Had Calhoun been able to hold in hand his own side, or rather had they followed him, the opposition would not have gained anything, even by the debate; but some administration members, among them that old Revolutionary warrior, Butler of South Carolina, broke

[1] Cop Gazette, Vol. [illegible], 1813. [2] Abridgment of Debates, Vol. [illegible], p. [illegible].

away. "I will not vote," said he, "for resolutions that I disapprove of merely to gratify those whom I am persuaded cannot be conciliated. The fear of being accused of having an intention to suppress useful information will not move me. Conscious of the rectitude of my own intentions, I shall give no vote through fear of accusations founded in falsehood."[1] The resolutions of inquiry were passed by an immense majority, dropping, however, a vote at each to the fourth, where four more joined the minority, and at the fifth the strength of the latter was doubled. The victory of the opposition, however, as has been shown, proved a barren one.

Cheves's position in the House was very remarkable. He was not as distinctly the leader of the administration forces on the floor as Calhoun, not as close to Clay, the Speaker, and yet, when he opposed Clay in committee of the whole, he generally had both Calhoun and Lowndes behind him. Grundy, however, supported Clay almost invariably. Not very unnaturally the Speaker appointed another member chairman of the committee of Ways and Means; and Cheves, finding himself out of touch with his party, participated but slightly in the debates with which the Thirteenth Congress opened. Against the attempt of the Administration party to lay an embargo that summer, Calhoun, Lowndes and he voted, and the Senate refusing to concur, it failed; but on the renewal, in the second session, in December, Calhoun went with his party. Not so Cheves and Lowndes;[2] and the former, who had kept silent throughout the debate, rose at the conclusion to make the following remarks: "Sir, I have no influence in this House. What little I might once have claimed is gone; I have dared to dissent from the course laid down for the government of the majority, and consequently have bartered, for the privilege of thinking for myself, all right and share in prescribing the policy to be pursued. I perceive and, with pain, make the confession, that

[1] *Ibid.*, Vol. 5, p. 56.

[2] *Courier*, Dec. 23, 1813.

these men are so predetermined in their course as that the authority of an angel could not arrest the whirlwind of destruction, which their infatuation has raised; and I pray God, in working the ruin of themselves and the administration, they may not seal the ruin of my country." Yet, when possibly in the spirit of retaliation the opposition, under the leadership of Webster and the more bitter Grosvenor of New York, developed their incessant attacks upon the President and the conduct of the war, Cheves voted steadily with his party. On Calhoun, however, lay the burden of the administration's defence, and well he acquitted himself of his task. Early in 1814 he and Grosvenor came to a clash, and a duel seemed inevitable. The Speaker and Senator Bibb of Georgia were Calhoun's seconds;[1] but the matter was adjusted without a meeting.

On Clay's resignation to accept the appointment of commissioner to negotiate peace, Grundy was brought forward as the candidate for the Republican party caucus for Speaker and beaten by Cheves, 94 to 59.[2]

Of this remarkable man, so little known, John Belton O'Neall, who graduated from the South Carolina College with distinction in the same year as Pinckney and Preston, says: "Mr. Cheves's reply to Gaston, Gouveneur (Grosvenor) and Webster[3] was perfectly overwhelming, and crowned the Republican party with that wreath of meritorious patriotism which gave them ever after the ascendency." Whether this was the speech which has been before alluded to as made for his colleague Williams, or one made after his elevation to the Speakership, it is difficult to determine. Both were great efforts. At this time Cheves was in the full maturity of his physical and mental powers. Born in Abbe-

[1] *City Gazette*, Jan. 7, 1814.
[2] Abridgment of the Debates of Congress, Vol. 5, p. 157.
[3] O'Neall, "Bench & Bar," Vol. 1, p. 134.

ville, Sept. 17, 1776,[1] he came to Charleston at the same age as had his young law student; but his means were even more straitened, and to maintain himself he became a merchant's clerk, filling at the age of sixteen that position, a confidential clerk, which is recited as one of the evidences of the preternatural ability of Alexander Hamilton. At eighteen he began the study of law, and at thirty-two was made Attorney-General of South Carolina. As to the estimate in which he was held by intelligent observers of public events, the following description of himself and other members of the House, from the *New York Evening Post* of March 15, 1814, is submitted: —

"Mr. Webster is a young Ajax in political disquisition, and gives every promise of a towering politician. Mr. Calhoun is a young man of great sensibility — has had the advantage of an excellent education, aided by astonishing powers of memory — recites in debate the anecdotes and incidents of both modern and ancient history with wonderful facility and accuracy — is dexterous in the management of a political cause — exercises a goodly share of zeal — commands a rapid though limited eloquence, little embellished by metaphor or imagery — supported by a charming metaphysical analysis and prompted by an apt sagacity almost peculiar to himself on the floor, where he exhibits. He is the leader of what is called the Administration party in the House. Mr. Lowndes is one of the most judicious, modest and imposing men in the House of Representatives. His voice and figure detract greatly from the pretensions, which he might otherwise justly set up, and in claiming which he would be justified by the properties of his mind. He is reputed on all hands a scholar and a philosopher, and is universally allowed to be a most honorable man. . . . But who is the greatest man in the House of Representatives? I relinquish my judgment to the

[1] *Ibid.*, Vol. 1, p. 133.

decision of the question already pronounced by the House itself. While party spirit predominates, it is more generally fallacious and unprofitable to look to the result of an election. But when that spirit is rolling in its flood tide, if we should see a vote common to both sides raise to eminence an individual, we should regard that result as manifesting something out of the usual course. The gentleman who now presides, holds the chair by such a vote. Then, reader, if you would be informed who is the greatest man in that House, watch the mace, and you will unerringly decide for yourself. Whatever indication it was wont to manifest, it now rises or descends, as the greatest man in the House rises or descends. The elevation of Mr. Cheves to the chair was a spontaneous concession to his unequalled excellence from both sides of the House. He is the only Republican who at the present moment could have obtained one Federal vote as the Speaker, and he is the only member who is not a thoroughgoing friend of the administration, who could have received a great number of votes from the Republican side. Even if Mr. Clay was again on the floor, if would be impossible for him to vie with his successor. To what is owing this voluntary, unsolicited tribute to the claims of Mr. Cheves? It is that all consider him matchless in eloquence, profound in his researches, judicious in his measures, pursuing the experience of ages, relying on the demonstration of facts, rejecting the hypotheses of ignorance or infatuation, crowned with the talents of an exalted caste, adorned with all the charms of charity and benevolence, enshrined by honored, imperishable integrity, loving his country more than himself." [1]

Such was the estimate of Cheves at thirty-eight and Lowndes at thirty-two.

The comment provoked by Hayne's first public utterance is quite different. It is almost amusing; but it is most interestingly

[1] *Courier*, March 12, 1814, from *New York Evening Post.*

human. It can best be described as a veritable "tempest in a tea-pot." Yet to the careful investigator there is not lacking in this too extravagantly praised and too harshly criticised oration the germ of a great thought, a grasp upon his subject most remarkable for one of his years.

CHAPTER IV

HAYNE'S ORATION BEFORE THE "'76" SOCIETY AND THE BEGINNING OF HIS POLITICAL CAREER

It had been the custom in Charleston to have an oration, delivered annually before the members of the "'76," and also one before the members of the "Revolutionary" Society, on the 4th of July. One was delivered in St. Philip's, the other at St. Michael's Church. Their delivery, within the sacred walls, did not prevent the one from being well seasoned with Republican, the other with Federal, politics. To be selected as the orator was a distinct honor, which the most gifted speakers of the day were proud to accept; therefore for the young Hayne to be chosen before he had attained the age of twenty-two, was an indication of the esteem in which he was held by his fellow-members, and such also must be said of Mr. J. W. Toomer, who was but a few years older. Both of the young men had lately been married, and this doubtless made them the more eager to excel; so on the day appointed, escorted by the militia company usually attendant on such occasions, they proceeded to the respective churches.

Keating L. Simons having been raised to a majority, Hayne was now the captain of the Cadet Riflemen, who, under their first lieutenant, escorted their captain. Hayne being a Republican, his politics pleased the *City Gazette* of that persuasion, and it declared his oration had never been surpassed. The Federal *Courier* hardly goes so far. The comment of that paper on the two speeches is however fair enough: "An animated and patriotic

oration was pronounced at St. Michael's Church before the Cincinnati and Revolution societies, by Joshua W. Toomer, Esq. Another oration was pronounced before the ''76' and 'Palmetto' societies by R. Y. Hayne. We did not hear the latter, but reports speak favorably of it. They will both probably be published."[1]

Whatever the merits of Hayne's oration, it unquestionably struck a popular chord. He was not only toasted by his own proper audience; but the Charleston Riflemen, of Toomer's escort, toasted him as well as Toomer.[2] Still there was no harm in that; but on the 14th, in the *Gazette*, appear strictures on Toomer's oration by one "Veritas."[3] "Philo" appears for the defence on the 16th, and on the 19th "Veritas" replies. On the 21st "Philo" comes back at "Veritas." The war is now carried into Africa, so to speak; for in the *Courier*, under date of July 22, appears a rather clever criticism of Hayne's speech by "Q, in a corner"; but the reply on the 26th rather breaks up "Q," who evidently has not read his Bible as attentively as he should, and stands convicted of criticising it, rather than Hayne. But still the paper war goes on, until, on August 2, a piece appears, so admirable in style and temper as to bear reproduction as a model of the times and a conclusion of the matter. The piece is headed, "Mr. Hayne's Oration." The writer signs himself "Justitia," and delivers himself of the following temperate reflections: "The best pieces are subject to animadversions; the worst have their advocates. Let not the youthful candidate then be discouraged should he find himself enthralled, for such things are. Much clamor has been excited, and the pens of critics sharpened to undervalue an oration which, if it cannot compare with Cicero, etc., is still worthy of regard and entitled to a large share of admiration. It bespeaks the orator

[1] *Courier*, July 6, 7, 1814. [2] *Ibid.*, July 8, 1814.
[3] *City Gazette*, July 14, 1814.

conversant with books and of that higher kind which cannot fail to illumine his understanding and give him a name even greater than orator of the day. If he has decorated his pages with borrowed flowers, 'exotics' as they are learnedly called, it was not because he wanted them, or because his own soil was not rich enough; but because auxiliaries may sometimes be employed to help the subject, where, as in the present instance, it involves deeds of mighty pith. Then the orator may invoke with propriety not only the spirit but the words of the poet and the philosopher, and should his readers still be inclined to cavil, call his effusions, or even his exuberances if they like the term better, 'parti-colored,' their imagination may be under greater control; but the flame would not be very apt to ascend. Many who now mark his inverted commas with disdain, would not have detected the fraud had he omitted them; while others, perhaps more book learned, might have brought the charge of pilfering against him and in triumph led his plagiarisms to the public, for the many-headed monster loves contention. I am aware that quotations are not always expressed and may sometimes be superfluous; but where the soil is rich, an exotic may grow and even be improved — at least the orator has many examples to justify the attempt, and for his encouragement I shall here introduce them. Zimmerman, the celebrated philosopher, abounds in quotations, every page almost is embellished with a leaf from another book, and yet few, I believe, have objected to his writings on that account. Vicessimus Knox, also another star in the world of letters, does not disdain them. Even the great and profound Lord Bacon uses them, and inverted commas frequently grace his pages. A more recent example is still before us — the admired author of the *Monitor*. If such people find it useful to employ foreign aid, why should our orator be condemned? The truth is, the orator's politics and not his quotations have given offence — here he committed himself, and

not all Parnassus can rescue him. Of his politics, however, I do not mean to say a word — they were his own, and he had a right to communicate them. He was also responsible and called upon to deliver his sentiments, as well as speak the language of his auditors. They have given him their plaudits and pronounced his voice a persuasive one. What greater commendation could be desired? Perfection is not the lot of mortals; and were it not that quotations are obnoxious, I could give one applicable enough, and I believe I shall risk it, notwithstanding the axe of the literary guillotine hangs over it.

> "'Whoever expects a faultless piece to see
> Thinks what ne'er was, nor is, nor e'er shall be.'" [1]

In his "History of Literature in South Carolina," Mr. Ludwig Lewisohn, some ninety years subsequent to the delivery of this oration, says, "As a piece of oratorical literature, that speech is excessively crude, ill written, ill constructed; that it gives little promise of the grave eloquence which a score of years later matched itself with the greatest speeches of Webster." [2] He quotes Paul Hayne to the effect, however, that it was electrical and went far toward securing the triumphant election which followed; but maintains, with reason, that the literary historian is concerned with but one thing, viz., is it a good piece of oratorical literature? Judged by this, the criticisms were, therefore, just. These criticisms were not without their effect on Hayne. Denied the advantages of collegiate training, which his great adversary had enjoyed to the full, nothing is more remarkable with regard to Hayne than his power to make educational use of every contact with the wise and learned. Whether working with them or striving against them, in his receptive mind, great thoughts ever found a lodgment, and

[1] *City Gazette*, Aug. 2, 1814.
[2] "A History of Literature in South Carolina," *Sunday News*, July 19, 1903.

it was within a decade, not a score of years, that he fairly matched himself with Webster, in a piece of oratorical literature, the model of its kind. He must have recognized, then, the defects of this first attempt, despite the fact that his auditors "had given him their plaudits, and pronounced his voice a persuasive one." But as crude and sophomoric as it may appear to the rhetorician of to-day, this speech contains more than the germ of a great thought. In this utterance of a young man, barely twenty-two, is disclosed a power of analysis and a grasp of the main theme of his subject, a comprehension of our governmental institutions, as contrasted with those of Great Britain, which, when we consider his opportunities and the time at which he made his declaration, marks him even then as far beyond the ordinary. In the midst of his panegyrics on a host of heroes, some of whom, as great as they may have then seemed, have in time become somewhat obscured, occurs this passage: "Britain has no great fundamental principles above the control of her rulers. The trial by jury, Magna Charta and even habeas corpus, like the most insignificant statute, may be repealed by an act of Parliament. Every privilege of the subject can be wrested from him; his happiness may be immolated on the altars of ambition with all the forms of the Constitution."

If we judge Hayne's early effort by the literary standard prevailing eighty-nine years subsequent to it, is it not fair to indicate how strikingly in accord is the above utterance of this young lawyer of twenty-two immersed in business, with the disquisition upon the same subject, eighty-four years later, by the greatest of English historians, who opens his second chapter on "Democracy and Liberty" with these words: "The power given in England to a simple majority of a single Parliament, to change with the assent of the crown any portion of the constitution, is not a common thing among free nations. . . . Nothing, indeed, is more remarkable in our constitutional history than the small stress which has been placed

in England upon mere legislative machinery, upon constitutional laws, definitely tracing the respective limits and powers of different institutions. The system of checks and counterchecks, which it has been the object of written constitutions to maintain, has been roughly maintained in England by the great diversities that long existed in the constituencies, by the powerful organization of many distinct and sometimes conflicting interests; by the great influence and essentially representative character of the House of Lords. . . . It is absolutely indispensable to the working of the whole machine that it should be in the hands of honest and trustworthy men, of men determined to subordinate on great occasions their personal and party interests to the interests of the State. . . . If this spirit is no longer found among rulers and Parliaments and constituencies, there is no constitution which may be more easily dislocated and which provides less means of checking excesses of bad government." [1]

The thought is not less clearly apprehended by Hayne, if put with more attention to detail by Lecky. And Lecky had the dissertations of both Tocqueville and Bryce to excite and stimulate thought upon the subject; Hayne, in all probability his course for examination for the bar, and possibly a conversation or two with Charles Pinckney. If the undeniable similarity of thought is grudgingly yielded with the qualifying statement that it was and always has been axiomatic, it can be urged that it was not so deemed by the Federal critics of 1814; for this very passage of the oration was exploited as one of its absurdities.

But Hayne did not depend upon the oration alone, however it may have increased his popularity, to waft him to power. In conjunction with Mr. Thomas Lee, who had aspirations for the Intendancy, he interested himself in calling a meeting of citizens for the purpose of raising subscriptions to build a 74-gun ship, to be

[1] Lecky, "Democracy and Liberty," Vol. 1, p. 139.

offered to the valiant commander of the *Essex*.[1] But before that could take shape, conditions seemed so threatening that the meeting called another to concert measures for the security of the city from invasion.[2] This awoke the city authorities, who called one earlier, and, with a somewhat caustic card from Mr. Lee, on the dilatory conduct of the authorities, the meetings coalesced. Mr. Lee, however, comes out as a candidate against Thomas Rhett Smith, the Federal incumbent of the Intendancy, against whom is launched the political shaft, "Aristocrat." But Thomas Rhett Smith wins the election, and the elated Federalists put him up to succeed Langdon Cheves, who declines reëlection to Congress. Henry Middleton is brought forward as the Republican candidate, and Hayne, among others, named for the Legislature. Under date of October 8, some old parliamentary hand [3] suggests to the Republicans the expediency of concentrating their strength on the exact number of candidates needed for the various offices, and offers a ticket. Middleton for Congress, James R. Pringle for the State Senate and sixteen representatives for the House, with the name of Robert Y. Hayne at the head. The ticket is handsomely elected, Hayne running at the head and beating the leading Federalist by 372 [4] votes, poor Toomer being far in the rear of his own side. It is not unlikely, and quite probable, that in his withdrawal from active political life, Charles Pinckney influenced the advancement of his young son-in-law; but in the main, Hayne's popularity was owing to those qualities of heart and mind he had already given evidence of possessing. In the excitement of this political struggle, work went on seven days in the week, strengthening the lines around the city, and, as an indication of the necessity of such work on the fortifications, a suggestion finds its way into the press, that as many of the men have rushed to the lines, without so much

[1] *City Gazette*, Aug. 29, 1814.
[2] *Ibid.*, Sept. 1, 1814.
[3] *Ibid.*, Oct. 8, 1814.
[4] *Ibid.*, Oct. 14, 1814.

as arranging for a change of linen, a delicate attention on the part of the ladies of the city would be the purchase and presentation of shirts to such of their defenders as need them, which the South Carolina Homespun Company stands prepared to furnish.[1]

At the convening of the Legislature, the young captain of the Charleston Cadet Riflemen hardly reaches Columbia before something in his character, reputation or appearance so attracts Governor Alston, that the latter appoints him Quartermaster-General of the State.[2] It was a time of war; troops were moving from point to point; the coast was threatened by the British and the frontier by Indians: therefore the appointment was no sinecure, for upon the appropriate handling of the militia depended the security of the States. The duties of Quartermaster-General are thus laid down in a general order of the Commander-in-Chief: "The Quartermaster-General is charged with transportation of every description, safekeeping of ordnance, arms, equipage and munitions of war; quartering troops, opening roads and building and repairing bridges necessary for the movement of troops. Quarter, forage, barrack and wagon masters and all arsenal keepers and powder receivers are ordered to report to him and receive his orders." [3] With this appointment, Hayne's military rank was raised to that of colonel, and it certainly speaks strongly of the impression already created beyond his immediate environment, that this young man should have been selected for the discharge of these laborious and responsible duties.

The matter which seems to have been stirring the members of the Legislature most at this session was the question of the support of the Free Schools. Defeated for Congress and otherwise lacking the recognition in his own section, which in the opinion of the writers of the day he seems to have merited, the talented Benjamin

[1] *City Gazette*, Oct. 26, 1814. [2] *Carolina Gazette*, Dec. 17, 1814.
[3] *City Gazette*, Jan. 16, 1815.

Yancey had moved to Charleston, where, with D. E. Huger and Pepoon, he had entered into a copartnership for the practice of law; and thus one able defender of the system was absent. Crafts and Lance of Charleston, strong advocates, were also no longer members of the House; but the Free School System nevertheless found valiant defenders.

On December 12, Dr. Philip Moser, of the Charleston delegation, as chairman for the committee to which had been referred the petitions against the system, brought in the following report: "The committee on Schools, to whom was referred sundry petitions, viz., from the inhabitants of Abbeville and part of Pendleton, Newberry, Lewisburg and Marion districts, praying a suspension or relief of the Free School Act; also a petition from Colleton District to the same purport. Report: That they have considered the same in conjunction with reports of commissioners from twenty-three districts, also referred, from which it appears 4651 children have been educated the last year from the Free School Fund, in addition to the facility it has afforded to the establishment of numerous other schools throughout the State. Your committee are therefore of opinion that the Free School Act has been productive of unbounded good and no evil; they therefore unanimously recommend a continuance of this excellent system and a rejection of the prayer of the above-named petitioners." [1]

This unfavorable report did not stop the opponents, however, and a bill was introduced suspending the operation of the Free School Act, which was passed in the House, 65 ayes, 54 noes, Hayne and almost the entire Charleston delegation voting with the minority, the record of the vote having been preserved. In the Senate the bill for suspension, however, suffered a distinct defeat, and the act was not suspended. In this vote, as has been noted, Hayne was in accord with the majority from his locality; but a subsequent

[1] *Carolina Gazette*, Dec. 24, 1814.

publication indicates that in this, the first session he attended, he gave an unusual indication of his independence and decision of character; for when one of the Charleston delegation was addressing the House, Hayne stopped the speech and took him off the floor by a motion which prevailed, concerning which later there was comment.

While Robert Y. Hayne was thus making his way in the State, his elder brother, Colonel Arthur P. Hayne, as Inspector-General, was serving under Andrew Jackson at New Orleans and winning the esteem and affection of that great man. The War of 1812, crowned by the great victory achieved at that city in January, 1815, ending, inquiry not unnaturally arose as to the birthplace of the hero. The question was referred to General Warren R. Davie of North Carolina, whose operations during the Revolutionary War had been along the line between the two States of North and South Carolina, and he on the authority of the Crawfords established it as unquestionably in South Carolina.[1]

Another matter of some interest communicated to the society of "'76" at their annual banquet, July 4, indicates the opinion of one of the great old men of the country with regard to the war. Prior to the delivery by Hayne of that speech, around which such a war had raged, one had been delivered by Mr. J. B. White, in March of the same year, which seems to have been considered by the society as something quite beyond the ordinary. This Mr. White must have been an earnest, public-spirited citizen, and it is pleasant to note that he won the esteem of both the young orators, over whose efforts admirers came into such wordy collision. Mr. White was a man of many gifts. He had painted a picture of an incident in the war, which picture, in addition to its artistic merit, was thought to point something of a moral. At least the Republicans did not hesitate to call the attention of the Federalists

[1] *City Gazette*, March 27, 1815.

to their view of it when put on exhibition. Mr. White was also a dramatist, and had written a play which had been performed at the Charleston theatre, in which he had satirized the practice of duelling. Mr. White's oration had been sent to that old patriot, John Adams, and from the great man the committee had received an acknowledgment. Complimented the committee was, and the letter was accordingly not only read at the meeting, but published.

"QUINCY, June 9, 1814.

"R. Y. HAYNE, J. JERVEY, B. ELLIOTT, ESQS.

"Committee of the '76 Association.

"GENTLEMEN: Accept my thanks for Mr. White's oration on the 4th of March and be pleased to present them to your constituents. At the same time I cannot refrain from congratulating you on the felicity of our country and the glory acquired by the Western, the Southern and the Middle States in the late war. I have the honor to be, etc.,

"JOHN ADAMS." [1]

This was calculated to weaken the Federalists and strengthen the Republicans, and doubtless the society recognized the fact.

In addition to the demands of his business, his legislative duties, his work as Quartermaster-General and the care and responsibility imposed upon him as one of the trustees of his father-in-law's estate, a great fortune honeycombed with debt, where order must be evolved from chaos, young as he was at the time, Hayne seems to be the individual always in demand, whether the work was to deliver a eulogy on the life and services of Dr. Ramsay, the preparation of a prospectus of the latter's works, or the raising of a charitable fund; and yet he finds time for social meetings, as the above incident shows. In this year, when the State and nation

[1] *City Gazette*, July 6, 1815.

lose the service of such a man as Cheves, it is interesting to note the estimate of him in Calhoun's own district and the political sentiments of the latter of that day. In the course of the usual celebration of the 4th of July, at Abbeville, Dr. Casey toasts the former as follows: "Honorable Langdon Cheves — He has consulted the honor and prosperity of his country, regardless of party feelings; may South Carolina always have such men to direct her counsels."

The toast offered by Calhoun was: "The People — The only source of legitimate power. May France acting on that principle prove invincible, and may its truth and energy disperse the combination of crowned heads." [1]

[1] *Ibid.*, July 27, 1815.

CHAPTER V

AFTER THE WAR OF 1812. CONDITION OF THE STATE AND NATION. STATUS OF THE FREE COLORED PEOPLE IN THE SOUTH

In the second session of the Legislature, Hayne's influence seemed steadily to grow. We read, "The House of Representatives have agreed nearly unanimously to two resolutions submitted by Mr. Hayne." The first of these seems to have been to give four additional weeks to the Court of Common Pleas in Charleston and two weeks for Colleton and Beaufort; the second was for the appointment of an additional judge. The same correspondent informs us that the Free Schools have become more popular, and some gentlemen from the interior even speak of making further appropriations for them.

In Congress, great and good as he was, the absence of Cheves left no void; for Lowndes filled the vacancy to perfection. Clay, having accomplished his mission, returned to Congress and was again elected Speaker, and in the course of the session occurred the incident which strained the former intimate relations between himself and Calhoun. Madison's second term was drawing to an end, and the question of his successor was up. Lowndes had been consistently opposed to a caucus, and although but fifteen members refrained from attending, he was one of these. Clay attended but for the purpose of protesting against the expediency, while Calhoun attended as the advocate of Monroe. By 65 to 54 Crawford was beaten, and in a great measure to Calhoun this was due. Already between Clay, Crawford and Calhoun the contest had

opened, involving so many changes. In the beginning of the session, the Kentucky Abolition Society had petitioned Congress to set apart a suitable territory as an asylum for emancipated negroes and mulattoes, as a great number had been emancipated, and the number was likely to increase; but "in consequence of the fact that when emancipated they were not allowed the privileges of free citizens and are prohibited by law from emigrating to other States and Territories," they suffered many privations, "for the want of room and opportunities for the expansion of genius and encouragement to industry." The prayer of the petition had been refused, the House concurring in the report brought in by Robertson of Louisiana, that there was "no part of our highly favored country where industry and economy will not insure to those who practise them an easy and independent support."

This brings us naturally to a consideration of the condition of the negroes in the Union.

From original articles of agreement in the possession of the South Carolina Historical Society there is evidence of the care taken by humane planters to protect their slaves from abuse by overseers;[1] while the case of Fairchild *vs.* Bell[2] illustrates the determination of the courts to enforce it when necessary by giving a right of recovery against the inhumane owner to those who succored the abused slave. The case, also, of Pepoon against Clarke[3] shows the strict regard for the rights of free colored persons when the courts were invoked in their behalf.

The institution of slavery led to abuses — of that there can be no doubt; but that there was a strong, active, public sentiment against such is as clear. To the following presentment in January, 1816, is appended as foreman the name of a member of a family

[1] Agreement between John Ball & John Penny, Jan. 1, 1813.
[2] Brevard's Reports, Vol. 2, p. 129. [3] Constitutional Reports, Vol. 1, p. 137.

as identified with all that was as refined and cultivated as could be found in Charleston: "The Grand Jury present as a most serious evil the many instances of negro homicide, which have been committed within the city for many years. The parties exercising unlimited control, as masters and mistresses, in the indulgence of their malignant and cruel passions, in the barbarous treatment of slaves, using them worse than beasts of burden and thereby bringing on the community, the State and the city the contumely and opprobrium of the civilized world."[1] And again, in May: "We present as a grievance, the show of lawful proceedings, which has been fictitiously given by some persons to the horrible practice of inducing free negroes in jail or in debt to bind themselves for a trifling sum for several years, and by a transfer of the indenture and a chain of inhuman proceedings cause them to be sold into the interior or out of the State, by which means they may be deprived of their freedom."

To the thoughtful, the fearlessness of these presentments will be the strongest impression produced by their publication. Evil exists under all civilizations; it is the struggle against it which bears witness to the moral worth of a community. But to some Pharisees they will only represent the frightful condition under which the negroes, free or slave, existed in the city; for the truth of history, therefore, there must be added the following interesting letter, illustrative as it is of the condition of the free colored persons of Charleston at that very period. From the letter book of the Brown Fellowship Society, to which allusion has before been made, the following is quoted: —

"Charleston, April 17, 1817.

"Mr. George Logan: —

"Sir: With Great reluctance I now write you as Being directed by the President and Members of the Brown Society to

[1] *City Gazette*, Jan. 22 and April 24, 1816.

inform you finally that agreeable to the report (made them on your conduct) by William Clark on the meeting of the 10th day of February last, relative to the matters between Robinson, a free black man and yourself, a committee on the case were appointed to search and examine into the matters Relative thereto. Accordingly they have done so and found Evidence on sure ground Committed to paper that you held a conspiracy and caused said Robinson, a free black man to be sold as a slave. This information comes from a Gentleman one of our acting Wardens in Council. Who are ready at any time to give testimony against your conduct &ᵒ deportment in Life in consequence of so base and notorious an act as committed. The members composing said body in General have positively agreed at their last meeting the 3rd inst. (at which you were present &ᵒ called on to vindicate yourself and defend your course but could not). Therefore you are discarded from the Brown fellowship Society and are not entitled to any rights, privileges or benefits whatever belonging to said institution. Neither shall your heirs or posterity have any benefit or claim whatever from the said Institution from the 3rd day of April, 1817, to the end of time. By order and in behalf of the President and the Members of the Brown Fellowship Society, I am, sir, "Your obdt. servant,

"JAMES MITCHELL, Secretary.[1]

"TO MR. GEORGE LOGAN,
State Street."

The contrast between the condition of the free colored people as evinced by this letter, emanating from a community where slavery existed, and that which is revealed as their status in one of the free States, if dependence is to be placed on the report of the

[1] Book of Century Fellowship Society, April 17, 1817, in possession of J. H. Holloway.

Massachusetts legislative committee, made public three years later, is the severest indictment of the methods of Northern abolitionists which could be drawn.

Does it not speak volumes for the breadth and liberality of the Charleston public of that period that he, who with Crafts, Lance and Huger of the city so eloquently defended the Free School System and who, but a recent resident of it and counsel in that very case of Pepoon *vs.* Clarke, for the ward of the unhappy being whom Clarke sought to consign to slavery, the eloquent Yancey, without any caucus indorsement, should have led the legislative ticket for the year? And that, too, when the ticket contained the names of men as popular as Hayne and Huger. Yet that breadth and liberality had its well-defined limits; for when the defeated candidate for the nomination of the Republican presidential caucus brought forward his plan for the solution in part of the race problem, viz., the intermarriage of whites and Indians, it only provoked ridicule.[1]

The success of Calhoun in pushing through Congress, despite all obstructive tactics, his bank bill, was the means of furnishing evidence of the growing confidence in him; but also the financial condition of the metropolis of the State he represented, for Charleston subscribed $2,598,000[2] — a greater amount than either New York or Boston, and surpassed only by Philadelphia and Baltimore. Indeed, the commerce of Charleston, now that embargoes were things of the past, was moving forward with a rush. Of a total of exports for this year, valued at $81,920,452 for the United States, those of South Carolina amounted to $10,849,409,[3] being surpassed by only one State, viz., New York, with $19,690,051. But in population the city had not grown. In a total population of 23,944, there were 11,515 slaves and 1200 free persons of color. Of a

[1] *City Gazette*, April 24, 1816. [2] *Ibid.*, Sept. 4, 1816.
[3] *Courier and City Gazette*, Feb. 20, 1817.

total population of 109,619, New York City had 617 slaves and 7,744[1] free persons of color among her inhabitants. What was the condition of these free persons of color in New York? We shall soon see what it was in Massachusetts, and we have the assertion of the Abolition Society of Kentucky as to what it was generally, in absolute contradiction to the claim made six years prior by Fiske of New York, that "in almost all the States, free persons, whether black, white or colored, if they had the proper qualifications otherwise, were allowed to vote"; for the distinct claim is made that "they were not allowed the privileges of free citizens and are prohibited from emigrating to other States and Territories."[2]

With a white population a little more than one-ninth of that of New York, the value of the exports of Charleston were nearly one-half. With a canal system giving water communication as high up in the interior as Camden, and with steamboat connections, in addition to the volume of shipping, the city had metropolitan ambitions, as the attempt to establish that museum, which even to-day is so creditable to the place, was indicative of. It was along lines such as these that the influence of Stephen Elliott made itself chiefly felt. Born in Beaufort, South Carolina, in 1771,[3] a graduate of Yale College, he was the first President, if not the founder, of the Literary and Philosophical Society of Charleston from which the museum proceeded. The author of "The Botany of South Carolina and Georgia," and collector of the "Elliott Herbarium," the diversity of his talents was not less remarkable than their power and excellence. He had been denied political eminence, and, inasmuch as that denial was in favor of William Lowndes, it is hard to question it; but with such a man, as well as Langdon Cheves to utilize, that the Legislature should have passed them both by and taken Judge Smith from the bench to fill the vacancy in the

[1] *Ibid.*, Aug. 13, 1816. [2] Abridgment of Debates, Vol. 5, p. 548.
[3] Holmes, "Southern Fifth Reader," p. 255.

United States Senate, is indicative of the difficulty in choosing from much good material.

The successful close of the war had discredited the Federal party in Charleston to such an extent as to make it slow to bring out candidates, and the Republicans therefore fought among themselves. Against Henry Middleton for Congress, the anti-duellist, Free School champion, Dr. Philip Moser, was put and pressed vigorously by the *City Gazette;* but, on his defeat for the nomination, the party supported Middleton; and Crafts, the Federal advocate of free schools, failed of election. On the legislative ticket, Hayne ran third; while H. L. Pinckney was also elected, as was D. Ravenel, running as against the caucus nomination. But while Hayne ran only third on the ticket of sixteen representatives, and both Yancey and D. E. Huger, older men and of longer experience in affairs, were made chairmen of more important committees by the Speaker, yet an incident at the opening of the session disclosed the remarkable influence he wielded. When the ticket for the Legislature had first been suggested, the name of Bartholomew Carroll had headed it.[1] The ticket had, however, been decapitated, without explanation,[2] and just before the assembling of the Legislature a publication appeared which seemed to stamp Hayne as the leader. "Robert Y. Hayne: Sir — Having had the honor of being appointed commissioner under an order of the Senate to examine and report on the claim of Peter Buyck, and in my place as a member of the House of Representatives being engaged in disclosing to the House the information I had collected on that subject, you moved a postponement, which was carried, by which I was deprived of an opportunity of discharging a duty which I owed myself and my country in giving a correct statement of the case and the much injured public creditors; and not now having the honor of a seat in the House, I make use of this

[1] *City Gazette*, Sept. 6, 1816.

[2] *Ibid.*, Sept. 9, 1816.

medium to inform you (of whose candor and justice I entertain the highest opinion) and the members of both branches of the legislature (who I am confident have very little information on the subject) with a correct state of the matter of this long-standing claim; at the same time, I assure you I have no sort of interest but what arises from my sense of justice in Buyck or any of his family or connections." [1] Then follows a lengthy statement of the case signed by Bartholomew Carroll. Whether it accomplished anything, and what connection if any it had with Carroll's heading and leaving the ticket, nothing else shows, but it is a tribute to Hayne's influence with his colleagues.

On the floor of the House, opposed by older men, — Yancey, Lance, Wilson and Kennedy, — Hayne, supported by Huger, carried through by a vote of 88 to 28 the change in the Constitution with regard to the Appellate Court [2] as well as other legislation with respect to jurisprudence. There was also an act passed prohibiting the introduction of slaves from any State or Territory, without special provision of the Legislature,[3] — an act of profound importance, if we consider it as representing public sentiment in South Carolina at the close of 1816. In the first of the next year, the comment on the announcement, that "between November 21 and 29, 1816, six vessels with 1538 slaves had reached Havana," by the *City Gazette*, is "inhuman traffic," [4] which would show agreement with a sentiment restricting interstate movement. The elevation of Judge Smith, however, could not be so understood.

For the vacancy caused by his removal from the bench, Cheves was unanimously selected — an arrangement which leads an eminent Federalist to remark, with great acuteness: "The State will gain much by Mr. Cheves's services; but I think they have

[1] *Ibid.*, Nov. 29, 1816.
[2] *Ibid.*, Dec. 10, 1816.
[3] *Ibid.*, Dec. 17, 1816.
[4] *Ibid.*, Jan. 11, 1817.

chosen too humble and obscure a pedestal on which to place this ornament of Carolina." [1]

One bad sign of the times was the failure of the South Carolina Homespun Company. That did much to convince the leaders of opinion in the State that there was no future for manufacturing in the South. And to that mistaken opinion, Hayne seems to have later subscribed.

For him the period was depressing. The death of a younger brother and the sale of his father's plantation, his father-in-law's pecuniary embarrassment and his wife's failing health, all contributed to the weight of his cares at twenty-five.

In Congress, meanwhile, Calhoun had just introduced his resolution supplementary to the bank act, authorizing a committee to inquire into the expediency of setting apart the bonus and net annual proceeds of the bank for internal improvements [2] preparatory to his entrance into the cabinet of Monroe as Secretary of War.

The two years which followed saw the completion of Hayne's career as a member of the State Legislature. In the fall of the year 1817, Benjamin Yancey died at his old home, Edgefield.[3] During his short sojourn in Charleston, the city had honored him with distinct marks of her esteem, and the Speaker from that city had made him chairman of what had always been regarded in South Carolina as the most important committee, of which Hayne was also a member; but Speaker Bennett did not advance Hayne to the chairmanship on Yancey's death. Matthew I. Keith, whom the voters had placed second on the ticket and just between Yancey and Hayne, was made chairman.

The close of this second session seems marked by little of importance. The assembly was so flooded with petitions for the

[1] *Courier*, Dec. 23, 1816. [2] *City Gazette*, Dec. 24, 1816.
[3] *Ibid.*, Oct. 9, 1817.

introduction of negroes as to disturb the correspondent of the *City Gazette*, who speaks of colonizing them;[1] for in Charleston their increasing numbers were making them a great nuisance. A batch of 469 had just been apprehended and brought before the court on the charge of disorderly conduct, they having bought a lot, erected a building and engaged therein in a species of worship which the neighborhood found a nuisance. They were discharged; but the bringing in of more would create more trouble. In the Legislature, Hayne had been spoken of in connection with a judgeship; "but seeking the advice of Huger, after a conference with him had announced that he was not a candidate"[2] and would not accept the office. It may be well doubted from this whether Hayne entirely approved of the candidacy of his distinguished father-in-law for Congress in the following year; for Mr. Huger was a candidate, who whether Federalist or not was quite acceptable to the mass of voters in the Charleston District. He was a man of the age of Calhoun and Lowndes, in the full maturity of his physical power, and his stand for the Free School System had endeared him to the masses; but unfortunately for his prospects, Mr. William Crafts, also a Federalist, encouraged by his strong run of the previous year, was also an aspirant. Two Federalists were more than the Republicans of Charleston could tolerate, and pressure was brought to bear upon the veteran statesman of that party, Charles Pinckney, then in his sixty-first year, to stand as a candidate.[3]

There were many reasons why Charles Pinckney should have refused. Measured by the age in which he lived, when life was shorter than now and the living faster, he was an old man. He had accomplished much and been highly honored. His son-in-law and only son, both dear to him and well equipped, were

[1] *Ibid.*, Dec. 4, 1817.

[2] O'Neall, "Bench & Bar," Vol. 2, p. 13.

[3] *City Gazette*, July 1, 1818.

entering public life. A settlement had been arrived at with his creditors; but so soon after his great failure there was certain to be hard feeling aroused by his coming forth to the post of leader and adviser. It is not surprising, then, that upon his head there burst a storm. Every charge that could be trumped up against him was brought to bear upon the candidate, and his supporters were kept busy answering them. He was accused of cowardice during the Revolutionary War at the siege of Savannah, of failing to account for public funds intrusted to him while in office and for lack of public spirit in 1812. In reply, his friends cited his demand for a court martial with regard to the Savannah episode, admitting that as a captain he had, through a misunderstood order, retired; but claiming that the court martial had been refused by his superior officer, and that his subsequent withdrawal from the army had only been in consequence of the high honor bestowed upon him through his election as a representative to the Continental Congress. They pointed to the fact that he had refused British protection during the struggle, and at the close of the contest, from a prison ship, had been unanimously chosen the representative of his fellow-prisoners to voice their views. The misappropriation they denied, demanding the proofs, and pointed to the fact that he had four times been elected Governor of the State. They asserted he had communicated with Governor Alston in 1812, offering his services; and they declared that, despite his sixty-one years, he was in full possession of all his splendid mental faculties,[1] which last assertion he certainly subsequently demonstrated beyond peradventure. The charge against Charles Pinckney of misappropriating public funds evidently arose through the fact that accusations having been brought against the American representative at Algiers, the point was made that the scope of the investigation should embrace an examination of other accounts of officials with

[1] *City Gazette*, July 15, 20, 23, 24, 1818.

the government, including those of Pinckney some ten years or more previous, when he was Minister to Spain. The matter seems to have been dropped in Congress and looked more like a political manœuvre than a serious investigation. He was elected, and in fact the only Federal who succeeded in getting an office in the election that year from Charleston was Keating L. Simons, who obtained a seat in the Legislature, Joel R. Poinsett leading the ticket, with Hayne second. But upon the assembling of the new Legislature, Hayne was unanimously elected Speaker.[1]

The Legislature which assembled in the fall of 1818 was described at the time, by the acute and observant correspondent of the *Gazette*, as "containing the greatest array of talent probably ever assembled in such a body in South Carolina," and, judged by the career of not a few of its members, it is not unnatural that they should have given early indication of the force they later displayed themselves the possessors of.

Hayne's appointments with regard to committees are indicative of that fairness, breadth and patriotism which endeared him through life to many who found themselves differing with him. As chairman of the committee of Elections, he selected Joel R. Poinsett of Charleston, a Republican; of the Ways and Means and the Judiciary, D. E. Huger and K. L. Simons, both Federalists.[2]

Hardly had the House met before it became apparent that upon not a few questions there would be wide division of opinion and spirited debate. There was the bill to repeal the act prohibiting the importation of slaves from other States and Territories, without the special permission of the Legislature, which a great number of the members desired to force through, and a small number, far wiser, were determined to resist. There was the amendment to the Constitution of the United States, proposed by the

[1] *Ibid.*, Nov. 28, 1818. [2] *Ibid.*

State of North Carolina and favored by the Governor of South Carolina, altering the method of choosing electors for President and Vice-President, which was to be pressed upon the House by a formidable array of talent. And there was the bill to make "all words, in themselves actionable, which shall be falsely spoken, injurious to the moral character of the persons of whom they are spoken," the phraseology of which as reported was sufficiently obscure to give rise to considerable debate.

With regard to the bill providing for the amendment to the Constitution of the United States, the correspondent of the *City Gazette* says: "There probably never was a question in the Legislature which elicited more talent than was displayed in the discussion of the merits of the amendment, which occupied two days. Messrs. McDuffie, K. L. Simons, D. E. Huger and J. D. Witherspoon were for the amendment; Messrs. Hayne (Speaker), Hunt and Warren, against. At first view it seems to promise a more free expression of the public view; but the fact is, when niceties of calculation are gone into, it is directly the reverse."[1] The correspondent tells us the amendment was finally disagreed to: ayes, 29, noes, 82. This was followed by the most important discussion which had occupied the Legislature since the adoption of the Constitution of the United States, viz., that concerning the repeal of the act prohibiting the importation of negroes from other States and Territories without special permission from the Legislature. Governor Pickens recommended the repeal, on the extraordinary ground that the law was violated with impunity.[2]

Prior to the Revolutionary War, the number of negroes in the province of South Carolina had exceeded the whites; but the war had changed that, and up to 1800 the white population had exceeded the colored by about 25 per cent; but with the invention of the cotton-gin, and the spread of the cotton-planting industry, a great change was

[1] *City Gazette*, Dec. 8, 1818. [2] *Courier*, Nov. 30, 1818.

being wrought, and by 1810 the two races were again about equal in number, and with the close of the war in 1815 the attention of the thoughtful had been directed to the evil, and hence the act of 1816. This act, short-sighted men wished now to repeal. The negro population was increasing at a rate three times as great as that of the white. In the city of Charleston they were getting to be a nuisance and affecting the morals of the whites. Allusion has been made to the great number arrested for rowdy worship in the previous year and dismissed; but in June of this year their disorderly conduct seems to have brought punishment, for we read under that date in the *Courier* that "one hundred and forty-three free negroes and slaves belonging to the African church were taken up on Saturday afternoon by the City Guard and lodged in the Guard House. The City Council yesterday morning sentenced five of them, consisting of a bishop and four ministers, to one month's imprisonment, or to give security to leave the State. Eight other ministers were also sentenced separately to receive ten lashes, or pay a fine each of five dollars." [1]

It will not do to assume this was not just; for from the records of a colored society it has been already shown that by "a Gentleman, one of our acting Wardens in Council," was that society warned of the traitorous behavior of one of its own members in conspiring to sell a free black into slavery. The truth was, that their numbers were increasing too swiftly for them to be influenced properly.

The eastern sea wall of the Battery had just been completed as a pleasure resort, but the slaves and free negroes congregated there in such numbers that they were warned by the city authorities to keep off.[2] These authorities did have a prompt and summary way of remedying evils, not at all confined to the blacks; for in July of the same year 625 loaves of light bread were seized by

[1] *Ibid.*, June 9, 1818.

[2] *Ibid.*, Sept. 12, 1818.

the City Marshal and distributed to the poor, a most efficacious way of enforcing proper weight.[1]

It would have seemed from the foregoing that the representatives of Charleston, at least, would have realized the mistake of the repeal of the act prohibiting importation of negroes from other States, even if the extravagant prices for cotton had turned the heads of the country members; but William Lance of Charleston was one of the speakers in favor of the repeal. With him were John D. Witherspoon of Marion and George McDuffie of Abbeville. The principal opponents to the bill seem to have been from Charleston, — Hayne, Huger and K. L. Simons.[2] But if Lance did not represent Charleston as effectively as the three who opposed the bill, yet he cannot be dismissed as representing nothing. He was a gentleman of parts and learning, a lawyer of merit, an orator of repute and the author of a life of Washington, which, for some inscrutable purpose, he had written in the Latin tongue. But he was no fanciful visionary, for he had shared with Yancey, Crafts and Huger the credit of the first defence of the Free School System. The bill was passed by a large majority, according to the *Courier*, after "one of the most eloquent and animated debates that has taken place on the floor for many years."[3] In the Senate it became law only by a vote of 22 to 19.[4] Even before its passage some of the forthcoming evil effects were plainly discernible in this wild rush to embark capital in cotton and negroes. The diversified industries which had given a solid basis to industrial conditions in the State were from this time neglected, the raising of stock to a great extent was abandoned and the price of beef rose to an alarming figure. The strength of the soil was to be speedily exhausted; while the manufacturing interests of the North were to fasten on the product like leeches, determined to have their share,

[1] *Courier*, July 20, 1818.
[2] *City Gazette*, Dec. 12, 1818.
[3] *Courier*, Dec. 12, 1818.
[4] *Ibid.*, Dec. 8, 1818.

and more if they could extract it. Before a score of years had passed, practically all the temporary benefits had vanished, the relations between the State and Federal governments were strained to the breaking point, the leadership of the Union was exchanged for a triumph, which inevitably led to secession and defeat and an overwhelming population of shiftless negroes. What interest would there not attach to the argument of these three opponents of the bill at that time, before they could have been affected by the influence of a crystallized public opinion? Of Hayne's, we can only judge from subsequent utterances, when conditions were different; but even then they give some idea of his wise and penetrating judgment on this subject. Now, however, elected unanimously to the office of Attorney-General of the State, his career in the Legislature ended with his carrying through the bill, defining slander, by a majority of 23.[1]

[1] *City Gazette*, Dec. 21, 1818.

CHAPTER VI

HAYNE AS ATTORNEY-GENERAL. LETTERS TO CHEVES. REPUBLICAN PARTY IN NATION BROKEN INTO FACTIONS. CONDITIONS IN SOUTH CAROLINA

HAYNE'S first duty as Attorney-General was the prosecution of John Edwards, at the January term of the court at Charleston on account of his duel with Dennis O'Driscoll, in which the latter had been slain. Three witnesses had been called by the Attorney-General and asked: "Have you at any time heard the defendant acknowledge that he had sent a challenge to the late Mr. Dennis O'Driscoll, or accepted one from him, or fought a duel with him?" The witnesses had all objected to answering, on the ground that the answer would tend to criminate them, and against the contention of the Attorney-General that an answer to this question could in no way criminate them, the presiding judge, Nott, sustained them in their refusal, deciding that they were the proper judges as to whether an answer would criminate them; and the witnesses being thus excluded, the defendant was acquitted. Hayne promptly appealed, moving for a new trial on three grounds: 1st: "Because His Honor mistook the law in refusing to compel the witnesses to answer the question put by the State. 2d: Because the answer to the question could not criminate the witnesses, and of this the Court (and not the witnesses) was to judge. 3d: Because the operation of the decision must not only destroy the Duelling Law but will protect all reluctant witnesses in every criminal case." [1] In an opinion of rather subtle reasoning, Judge

[1] State *vs.* Edwards, Nott and McCord's Reports, Vol. 2, p. 13.

Nott was sustained; but the court found some difficulty in disposing satisfactorily of the third ground, declaring only that it did "not conceive the doctrine calculated (as was contended) to protect reluctant witnesses generally. For it is clear," says the court, "that if a witness swear, he may be implicated in the guilt of the accused, if he answer and this afterwards appear to be false, he would be liable to an indictment for perjury." There was no dissent; but in the subsequent case of Poole *vs.* Perritt [1] based on it, two out of the five judges did dissent. Following this case came the very next month the trial of Martin and Michael Touhey for the murder of Mr. Gadsden, where the Attorney-General had against him William Lance, B. F. Hunt and William Crafts, the result of the trial being the conviction of one of murder and the other, manslaughter.[2] And this seems to have been accomplished without any great degree of friction, although Lance and Crafts were men of learning and eloquence; while Hunt is described by William Grayson, in his memoir of James L. Petigru, as an exceedingly formidable adversary, "able speaker and good lawyer; bold, ready, regardless of respect to opposing counsel, witnesses or clients, and unscrupulous as to the language in which he expressed his contempt; skilled in cajoling the jury and bullying the judge." [3] These were the criminal cases which immediately occupied Hayne's attention in the first months of the year 1819. On the civil side of the court he was from the very outset also engaged as counsel in cases of magnitude and far-reaching effect; but before alluding further to these, a survey of conditions beyond the border of the State is necessary.

Having launched his Bank scheme and suggested his inquiry as to the appropriateness of utilizing the bonus or net profits there-

[1] Poole *vs.* Perritt, Spear's Reports, Vol. 1, p. 128.
[2] *City Gazette*, Feb. 1, 1819.
[3] Grayson, "Memoir of James L. Petigru," p. 89.

from, Mr. Calhoun had brought to a close with the session of 1816 his brief but brilliant career in Congress, and accepting the position of Secretary of War in Monroe's cabinet, was about to commence a career as an administrative officer, quite as remarkable. According to Walsh's American Register, at this period of his life, November 17, 1817, "he had shone on every occasion, which called for an appeal to general principles and for enlarged views of policy;" [1] but strong as he was, he was not the all-powerful force he subsequently became in South Carolina, and in State and nation his influence was inferior to that of William Lowndes, to whom Monroe had previously offered the Secretaryship. Again the elevation from the bench to a seat in the United States Senate of that rugged, aggressive, able individual, William Smith, could not by any stretch of imagination be considered the promotion of a supporter, but rather one who would look upon him as a junior. In addition to this, although Calhoun could not with any justice be held responsible for the mismanagement of the Bank, yet the fact that it was not a success reacted on the reputation of the statesman most instrumental in putting it in operation. Indeed, there was an attempt in Congress to repeal the law, and the Bank was only saved through the persuasive personality of Lowndes [2] and the rare business ability of Cheves, raised to the presidency of the institution.

On the face of affairs, South Carolina seemed prosperous. Cotton was selling at 52 to 54 cents for Sea Islands, 26 to 27 cents for Uplands.[3] Rice was bringing from $5\frac{3}{4}$ to 6 cents, and tobacco, 10 to 12 cents per pound; but the market was getting dull and already there had started that movement of whites to the Southwest,[4] destined to reduce the white population below the black.

[1] *City Gazette*, Nov. 29, 1817.
[2] *Ibid.*, Feb. 18, 1819.
[3] *Ibid.*, Jan. 4, 1819.
[4] John C. Calhoun to James E. Calhoun, "Calhoun's Correspondence," p. 173.

Langdon Cheves

1819.

A letter written from Hayne to Mr. Cheves at this time throws some light on the conditions of the period: —

"CHARLESTON, 22d Feb., 1819.

"MY DEAR SIR: —

"You must give me leave to congratulate you most sincerely on your election to the Presidency of the Bank, inasmuch as the situation was one which you were willing to accept and which I therefore presume was more desirable than the station you lately held among us. I can never cease to regret, however that So. Carolina should have lost you, though the Union be the gainer & were I less your friend than I truly am, my selfish feelings would induce me rather to regret than rejoice at your promotion. I can however truly say, I have your happiness too much at heart to hesitate for a moment in wishing all your views accomplished — I know they all tend to the public good — The station you now occupy must bring with it many distracting cares — I believe the Bank to be too deeply affected by recent mismanagement to admit of any speedy or effectual relief — And I fear also the pecuniary resources of the country have recd. a shock from the state of the specie market from which it cannot soon recover — On that subject will you permit me to suggest, as hints for speculation merely, some ideas which have lately made some impression on my mind. I am wholly ignorant of the subject, have made it no part of my course of study & therefore the ideas I am about to throw out are intended merely as matters for your reflection. It appears to me, that specie has for a few years past been rapidly diminishing in every part of the U. S. In this City I know it has diminished greatly in the last 12 months — It has done so I am informed in every City in America and continues to do so — Unless the tide turns speedily (of which I see no prospect) the inevitable result must be the loss of the whole of it. Long before that period shall arrive, however, the Banks

must stop specie payments. Indeed while specie bears a premium, no bank can transact business to any extent — Suppose a Bank to have $1,000,000 in specie and to issue bills to that amount only — if specie is at a premium these bills will be returned on the Bank and every dollar of the specie taken out. So that a Bank must stop all business (& in that case it cannot exist) or lose all its specie. There are checks on this draft for specie — but while the Banks as well as Individuals are all hot in the pursuit of specie — the result is inevitable. We have now in this city agents for Virginia Banks buying up Bank notes & drawing out specie — It seems to me, that the final result will be a stoppage of specie paymts by all the Banks & then we will find it necessary to follow the example of G. B. & deal on paper — The time is approaching rapidly when Gold & Silver will be regarded as merchandize only & bills will become the current coin & only representative of property — Suppose the capital of a Bank to consist of $1,000,000 of Government stock & that on this they were strictly limited to the issue of Bills to the amount of a million and a half — might not such bills constitute a circulating medium & be a legal tender? Further, suppose part of the capital of such a Bank to consist of real and personal estate of a certain value, or of the notes of individuals (which would represent and bind their property), would it not be as good as specie? On this system too specie being merely an article of trade, would soon cease to be above par & would circulate freely in the community. If specie were not essential to Banks, we would have it in abundance — The danger of an excessive issue of paper might be guarded against by constitutional & legal checks. To produce these changes may require a combination of all the states — perhaps of nations — but it seems to me to this we must come unless we can by some means draw specie into the Country. The people of Charleston are suffering most severely from the draft of mother Bank. I am sorry you will on your arrival meet a pro-

test from our directors on this subject — the truth is that every $100,000. drawn in that way from the City has injured us more than the loss of a million of property — in the precautionary measures it has rendered necessary on the part of the Banks. Our produce will be down to nothing — The people of Charleston complain that their zeal in supporting and subscribing to the Bank — their paying every cent of their subscription in specie — their careful mode of doing business, has only had the effect of draining the City of its specie, to supply the places where the same careful and honorable course has not been pursued. The Directors at Pennsylvania seem resolved, that there shall be a community of suffering & the innocent must share with the guilty. Savanna has discounted more injudiciously than Charleston, ergo the latter must supply the former. It is ever to be lamented that such a state of things exist — I fear another draft from Pa., under existing circumstances will produce many resignations at our board. I have ventured to throw out these ideas — I do not desire you to give one of them a second thought, much less to reply to them but possibly they may suggest some hint of which your more experienced mind may make good use — if so, my object is attained. . . ." [1]

The foregoing letter to Mr. Cheves was followed by another within the week, wherein Hayne sets out some difficulties which have arisen through the Directors at Philadelphia having ordered the abolition of the office of solicitor he holding that office for the branch at Charleston. From this it appears that the arrangement under which he so held provided that his salary should be $500 a year, the Bank to be liable for no costs; but the solicitor to pay those of clerk and sheriff when defendant was insolvent.[2] By the change he argued that the Bank would lose, which seems a reasonable supposition. The value to him of the salary was the certainty and the freedom from the necessity of fixing charges.

[1] Original letter in possession of Langdon Cheves, Esq.

[2] *Ibid.*

Under date of April 30, he writes again, a letter wholly occupied with private business to the conclusion, which is, "The commercial distress here is very great — tho the presence of Mr. Monroe seems for the moment to make us lose sight of it." [1]

As, in the newspaper accounts of President Monroe's visit to Charleston, Hayne's name does not appear on any committees, this probably was the period of the loss of his wife, the daughter of Charles Pinckney.

In the nation, the great and powerful Republican party was splitting into fragments, ranged behind the group of leaders who had directed it against the Federalists. Clay was in open opposition to the administration; [2] Crawford, although in the cabinet, an aspirant for the Presidential nomination, with Calhoun and Adams in close touch, favorable to a second term for the incumbent.

With that supreme self-confidence which so often betrayed him, Clay determined to sweep from his path the hero of New Orleans. Pressing an inquiry concerning the seizure of the Spanish forts by the latter in Florida, he only obtained for him a justification marked by a vote in the House of 100 to 70,[3] thereby drawing into public observation another possible Presidential candidate.

This in all probability was the year in which Robert Y. Hayne first met General Jackson. In a letter, a score of years later, his brother, Arthur P. Hayne, states that his first meeting with Jackson in Tennessee was in 1820; but the mistake of one year is natural, and in this year Hayne travelled through the West and was in Tennessee. It seems hardly likely that such an elaborate journey as a trip from South Carolina through Alabama, Tennessee and Kentucky should have been made two years in succession by a busy young attorney; but of course it is possible, and it must

[1] Original letter in possession of Langdon Cheves, Esq., dated April 30, 1819.
[2] *Courier*, June 19, 1818.
[3] *City Gazette*, Feb. 17, 1819.

be admitted, that a meeting with the subsequent destroyer of the Bank, the most distinguished soldier in America of that day, would have been apt to have left an impression sufficiently strong as to have been a subject alluded to in his letters of that year, upon his return, to Mr. Cheves. No mention of Jackson appears, however. On the 24th of June, 1819, Hayne writes from Charleston: "I have made my arrangements for a tour to the West this summer — the nature of our climate seems to require occasional relaxation of this kind — I propose in consequence of some important business confided to my care to pass thro the Alabama territory & will leave this in a few days." Three months and a half later he writes from Pendleton Courthouse, October 9, 1819: —

"My dear Sir: —

"I wrote you from Charleston of my intention of visiting the western country this summer, since which of course I have not had the pleasure of hearing from you. The very difficult and arduous station you now occupy at the head of an Institution beset with so many difficulties, induced me to be an attentive observer of everything in the Western Country, calculated to advance the Interests of that Institution. As I think it of some importance that you should be advised of the state of affairs in that country, I now sit down for the express purpose of giving you the result of my observations. I have found in general, that the bank of the U. S. is unpopular — but it gives me the highest satisfaction to add, that the public confidence in yourself personally is very great and the prevailing opinion everywhere is, that the affairs of the Bank will in future be honestly and ably conducted. In Kentucky the operation of the "Independent Banks" and the general ruin produced by their failure, has had a tendency I think to make the Bank of the U. S. rather more popular — But the constant cry of the friends of the Banks is that the U. S. Bank has alone produced the failure

of the former and all the evils now felt in the State. By continued and ingenious efforts, it may happen that the people may be led to take the same view of the subject & should they find themselves supported by public opinion, some violent act will probably mark the proceedings of their next Legislature. The avowed and secret enemies of the Bank of the U. S. in Kentucky will, I think, compose a majority of the next Legislature — One influential man distinctly stated to me, that he was in favor of driving out the Bank by force of arms; and the sufferings of the people are now so great, that artful men have the most inflammable materials to work upon. In Tennessee the feeling against the Bank is not so strong or so general — but most certainly the state of the public mind would not at present render it expedient to establish a Branch among them. In Alabama such alarm prevails on the score of the evils of our banking & the paper system, that constitutional provisions have been adopted to prevent their introduction. The Bank of the U. S. is not unpopular there & it appears to me that a Branch could now be established at Cahaba the seat of government with every reasonable prospect of success. Cahaba is decidedly the best place for such an institution — it will be the center of commerce & must become a considerable town. At present a Bank would add to its importance and therefore would be popular & a Branch of your Bank would be the most popular of any — On this subject I would advise you to consult with Col. John Taylor, now in Philadelphia who can give the best information in relation to it. I am satisfied that a removal of the Kentucky banks to Alabama would be attended by beneficial results, the profits would be greater and the people of Kentucky would see the falsehood of the representation now making to them. In South Carolina I think the U. S. Bank not unpopular in the back country & nothing is to be feared from the Legislature of this state unless unfavorable representations should be made by the

President & Directors of our State Bank, in Charleston. That Bank is you know the favorite child of the State & the confidence reposed in Mr. Elliott is so great, that any statement coming from him will be deemed conclusive. I certainly deem it of the last importance to preserve a good understanding with that Bank. Nothing short of absolute necessity should produce a breach with them, the consequences would be unpleasant. These few hints are suggested merely for your consideration & I by no means desire you to give yourself the trouble of explaining your views on the subject. I avoid more minute details to prevent my trespassing on your time — This has been a summer of great distress in Charleston & it seems Pa. had had its share — our friend Mr. Simons has been numbered with the dead. The intelligence of this melancholy event has filled my heart with sorrow. I may truly say I had an affection for him — You probably are aware that he was destined to fill the vacancy occasioned by your resignation on the Bench. His success was reduced to a certainty. In this point of view, his loss is I fear irreparable. The two vacancies on the Bench will now be filled from the following list of candidates, viz: Blanding, Starke, D. R. Evans, Clarke and Ellison — I have myself no views of that nature. The Bar must command my attention for several years to come, etc." [1]

From his elevation to the bench in 1816 and removal from the State in this year, 1819, what influence Cheves might have wielded was disposed of. Senator Smith represented the extreme State Rights view, to which Crawford inclined. Clay, and later Adams, had some followers; but the State was friendly to the liberal view represented by Calhoun, and with even greater influence by William Lowndes. Yet we see, from the above letter of Hayne, that with regard to financial matters, the opinion of Elliott, whom Lowndes

[1] Original in possession of Langdon Cheves, Esq.

had defeated for Congress some five years previous, was conclusive. From these facts, and from an argument made this year by Hayne, which drew from Judge Nott a most remarkable political opinion, we might assume that politics in South Carolina were in a state of flux, liable to be affected by any incident which might bring about a decided trend in any direction. This makes Nott's opinion all the more interesting.

CHAPTER VII

JUDGE NOTT'S OPINION ON NULLIFICATION

CASES with which he probably was connected before he became Attorney-General were argued before the Appellate Court by Hayne after his advancement in this year of 1819, and in not a few he was either associated with or in opposition to that distinguished lawyer, about to be elevated to the bench, whose death he mentioned to Mr. Cheves in the fall of the year. The case of Alexander *vs.* Gibson, argued by Hayne in conjunction with K. L. Simons on a motion for a new trial, had so impressed Judge Cheves, then on the bench, that he had found it necessary to express his opinion on many of the constitutional points involved,[1] but the case of Bulow and Potter *vs.* The City Council,[2] at which hearing he does not seem to have been present, presented even greater and more important questions to the court. In that case, by an ordinance of the City Council of Charleston, an assessment of one-half per cent was directed to be made on all Bank stock owned within the city, to be valued at one-half, except that which was exempted from taxation by acts of the Legislature, which exception did not include United States Bank stock. Under the authority of this ordinance, an assessment was made on the plaintiffs, who were citizens and residents within the city of Charleston, on account of United States Bank stock, to a considerable extent owned by them; and on application to the Circuit Court an order was

[1] Alexander *vs.* Gibson, Nott and McCord's Reports, Vol. 1, p. 480.
[2] Nott and McCord's Reports, Vol. 1, p. 527.

obtained that a writ of prohibition issue to restrain the City Council from the collection of the assessment.

It was an odd coincidence that William Drayton, who subsequently left the city and State on account of nullification, was at that time the Recorder, or legal adviser, of the city, and still more interesting that he should have called to his assistance of all men, Robert Y. Hayne. The plaintiffs, however, had strong counsel, K. L. Simons being one, and the Attorney-General was called upon to assist counsel for the city. A motion was made to reverse the order on the ground that the ordinance was within the powers of the Council, and neither repugnant to, nor inconsistent with, the laws of the land. For the motion, it was contended, that the Bank was a "great monied monopoly, which in the hands of the General Government would become a gulph in the vortex of which every minor institution would be swallowed up." It was compared to the lever of Archimedes, by which the constitutions of the States might be overturned. From the above it is apparent that the argument took a wide range, but the motion to reverse the order of prohibition was sustained in a clear and luminous opinion, by Judge Johnson as neither repugnant to, nor inconsistent with, the laws of the land, in which he stated with the concurrence of all of the members of the court, except Judge Nott, "that the case does not present a question as to the exercise of inconsistent powers between the State authority and that of the United States; but between the State and its citizens, or, in other words, whether the State authority has a right to draw on the sources of the wealth of its citizens to support and defray the expenses of the government?" While declaring it not within the sphere of a court of justice, the judge deprecated the policy of the ordinance. From the opinion of the majority, Judge Nott dissented. Excusing himself from expressing at the time anything but the most prominent grounds of his dissent, he declared: "I consider it the most important question

that has occupied the attention of this court, since I have had the honor of a seat on the bench, and I therefore approach it with more than ordinary diffidence and solicitude." As will be remembered, Judge Nott had been elevated to the bench eight years previously, just about the time of the Faneuil Hall nullification resolutions at Boston,[1] which had been indorsed with that threat of forcible resistance, giving to them a life nothing of the kind previously had possessed. The successful close of the War of 1812 had probably saved a struggle over nullification and probably secession many decades before they both came; but an impression with regard to the nature of the Union had been created by this threat, and the vote by which Quincy's appeal from the decision of the Speaker, ruling out of order an assertion of the right of secession, had been sustained, which was absolutely at variance with the conception of the Union set forth by Charles Pinckney at the time of the adoption of the Constitution in 1788.[2] Nott's view was in accord with that of Pinckney as then stated. "It is not," says he, "merely a question whether the City Council has the power to impose a tax on Bank stock. Neither is it a question between the United States and an individual State. But the real question which we are called upon to decide is, whether when Congress has adopted a measure confessedly within its jurisdiction, any corporate body existing under the authority of a State, and having the power to pass by-laws, may by one of its ordinances directly defeat such Act of the General Government? The great objects of the federal compact are declared to be 'to form a more perfect union, to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and secure the blessings of liberty.' To effect these great and important objects, certain powers are delegated to the General Government; and it seems now to be admitted by all the commentators on the Federal Constitution, that where the exercise of

[1] *Courier*, April 23, 1811.

[2] *State Gazette*, June 9, 1788.

any power by a State is inconsistent with or incompatible with such delegation, it must be considered as exclusively granted to the General Government. It is also further declared that Congress shall have power to pass all laws necessary to carry into effect all the powers so delegated by the Constitution. . . . For what purpose let it be asked does the Constitution contain such a provision, if the operation of any Act of Congress may be defeated by an Act emanating from the authority of a State? If such is the situation of our Government, it does appear to me the people of the United States have failed in the attempt to effect, at least, one of the great and avowed objects of the Confederation, that of securing to themselves and their posterity, 'domestic tranquillity.' I cannot conceive a more effectual source of domestic discord than a power in the States to resist or defeat the operation of a Constitutional Act of the General Government." He then argues that a court is concerned in some cases with the policy of a measure before it, because "we can consider the old law, the mischief existing under it, and the remedy intended to be applied. . . ." Then, after declaring that the constitutionality of a State law is tested by its compatibility with the powers rightfully held by Congress, he closes that branch of his opinion with this sentence: "Two conflicting powers, tending to neutralize each other, cannot exist together in any Government." In an exceedingly clear discussion of the correction of evil, he maintains: "If the powers of Congress are too great, they may be abridged by an amendment of the Constitution. If they are abused, they may be corrected by a change of representation. If they are exceeded, they may be controlled by the judiciary. But to give to one Government the power of passing laws, and to another the right to resist them, or to defeat their operations, or rather to give to a Government a power to legislate and to a single member or branch of it to defeat its acts, would be like harnessing horses to the hindmost part of the carriage to check

the impetuosity of those in front. It would necessarily lead to a contest for power. And whether the machine would move forward or go backward or be torn asunder in the struggle, would depend on the relative force of the conflicting powers." Judge Nott had no idea that by the adoption of the Federal Constitution we became dwellers in Utopia. Far from it; for in all sincerity he continues: "That our liberties may be destroyed by an abuse of the power vested in Congress, I admit. Too liberal a use of the single power to raise armies might prostrate the liberties of the American people. There is no good government which has not the power to destroy the liberties of the people. No government can be good which has not such power. Without the power to destroy, the government could not possess the means to protect our liberties." But he says he forbears to press the argument further, hoping he may be mistaken in the view he has taken; but declaring in conclusion that if he is not, and the decision "goes to establish the principle that any body emanating from the authority of a State may undertake to judge of the policy of an Act of Congress, which is admitted to be constitutional and may adopt such contravailing measures as have a direct tendency to defeat its operation or to prevent it from being carried into effect, these United States may bid farewell, a long farewell, to all their greatness." [1] This opinion of Judge Nott is in exact accord with the view of Charles Pinckney before quoted in part, even to that claim for the General Government of the necessary power to protect the liberties of the citizens.

Says Pinckney, in that great speech: "To the Union we will look up as to the temple of our freedom — a temple founded in the affection and supported by the virtues of the people — here we will pour out our gratitude to the author of all good for suffering

[1] Bulow and Potter *vs.* City Council, Nott and McCord's Reports, Vol. 1, pp. 531–536.

us to participate in the rights of a people who govern themselves. Is there at this moment a nation upon earth that enjoys this right, where the true principles of representation are understood and practised and where all authority flows from and returns to the people? I answer there is not. Can a government be said to be free where these rights do not exist? It cannot. On what depends the enjoyment of these rare inestimable privileges — on the firmness, on the power of the union to protect and defend them." [1]

So much for the question of the nature of the Union. But to pass from it in its whole, and consider that of comity between the States, we find that even the brilliant but extreme McDuffie, who with Lance and Witherspoon had contended in opposition to Hayne, Simons and Huger for the right to bring, without special license from the Legislature, such slaves as were desired, from other States or from Territories, now sought to amend the bill prohibiting the introduction of free persons of color by excepting its application from such as hailed from States where they enjoyed the rights of citizens. It is true that the amendment was voted down; but at the same time an effort was made, and successfully, to secure more severe penalties for the killing of negroes, the fine being raised from £50 to $1000, together with twelve months' imprisonment and the incapacity of the convict to hold any office of profit or trust in the State; [2] so that it is apparent that while for industrial development, against the advice of the wisest, slaves were brought in without restriction from other States and Territories, yet a humanitarian spirit was in growth with regard to their treatment, and among the leaders a desire to consider the views with regard to the race in States where a sincere desire was evinced to uplift the freedman. This spirit was pretty well burnt out of the South by the flaming debate which blazed up in Congress at this session.

[1] *State Gazette*, June 9, 1788.

[2] *City Gazette*, Dec. 4, 1819.

CHAPTER VIII

THE RISE OF THE NEGRO QUESTION AND ITS COROLLARY, THE TARIFF

On December 22, 1819, Taylor of New York moved the amendment which precipitated the great debate, occupying the session and culminating in the Missouri Compromise. This debate was in every sense of the word exhaustive. From the speeches which have been preserved, almost every possible phase of the question seems to have been considered. The division was not absolutely sectional, a few Northerners, as, for instance, Baldwin of Pennsylvania and Holmes of Massachusetts, spoke and voted against the amendment, just as Ervin of South Carolina voted for the proposed Baldwin tariff, introduced the same session; but the vast preponderance of the votes for the amendment prohibiting slavery in Missouri and for the increased duties under the Baldwin bill were from the North and West, those in opposition from the South. The speeches on the Missouri question were many of them lengthy, that of Mr. Sergeant of Pennsylvania occupying five hours and forty minutes.[1] This speech for the amendment was the one of greatest length; but Lowndes, Clay and Holmes against it, each spoke for more than three hours, and Smyth of Virginia, on the same side, for four hours and a half. Taylor, the mover of the amendment, spoke for almost two hours, and Charles Pinckney, most interestingly for fifty minutes. Pinckney's speech is chiefly interesting and valuable on account of the historical data it supplies

[1] *City Gazette*, March 9, 1820.

on many interesting points; but his main contention, that Congress did not have the power to impose the restriction, came too late. Congress had before exercised the power of admitting a State under what restrictions it saw fit to impose, as for instance, in 1811, when, against the protest of Fisk of New York, the amendment of the Senate to the House bill, with regard to the Orleans territory, had been the imposition of a condition, viz., the confining of the privilege to "white" free male inhabitants. Fisk had contended, with apparently but little fact as a basis, that "in almost all the States free persons, whether black or white or colored, if they had the proper qualifications otherwise, were allowed to vote"; but with scarcely any discussion the majority asserted the power of Congress to make the condition in that territory that the voter should be white. To come even closer, however, John Randolph, a vehement opponent of the amendment, had at the outset of the discussion mined the position of his own side by suggesting to Taylor that the latter had, in that portion of his motion which concerned the inhabitants of the territory, omitted the word "white," [1] which Taylor agreed to correct without apparently realizing its value to his own side. On the other hand, inasmuch as the matter was finally settled by a compromise, by which Missouri and all the territory to the southward of 36°30′ was admitted free of the restriction, which the amendment aimed to impose, the argument of Sergeant ("that any compromise that would give slavery to Missouri is impossible," for the reason that, without the amendment, "Missouri, when she becomes a State, grows out of the Constitution; is formed under the care of Congress; admitted by Congress; and has a right to establish slavery, derived directly from the Constitution, conferred upon her through the instrumentality of Congress") [2] becomes a boomerang.

In the opinion of the editor of Niles's Register, Speaker Clay

[1] *City Gazette*, March 8, 1820. [2] Niles's Register, Vol. 18, pp. 379–383.

and Mr. Lowndes were the most powerful opponents to the amendment.[1] In the case of the latter, the fact that his speech has been lost is certainly to be regretted; for he was at this time distinctly the strongest representative in Congress.

A sketch of the Speaker and Mr. Lowndes as they appeared to a member of Congress from Pennsylvania, just at this time, is not without historical interest as the view of a contemporary actor close enough to both to see their defects clearly as well as the elements of strength and statesmanship. Here is how the two appear to him: "Mr. Clay is warm, vehement and when fairly engaged almost headlong in his eloquence. To use a backwoods simile, he seems as though he would fly off the helve during the paroxysms of eloquence. He sometimes descends to mimic the manner of his opponents, and yet if the waggery were retorted upon him, it would certainly exhibit a scene no less ludicrous. The language of Mr. Clay, though seldom select and scarcely ever classically polished, is always forcible. He is unquestionably a powerful speaker and will always have considerable influence in a popular assembly. . . . Mr. Lowndes is undoubtedly the most influential member in the House of Representatives. His eloquence is neither showy nor graceful; but his mildness and candor, superadded to the useful information which he brings into the discussion of every important topic, win upon the confidence of the House and give a weight to his opinions which can never be acquired by declamatory vehemence nor pointed sarcasm. Mr. Lowndes stands, as it were, on the isthmus between the contending parties in the hall, and by means of his influence which he has obtained is enabled to moderate the dashing of the billows on either hand. A suggestion from him will often avert a proposition of menacing aspect and change the direction of a debate which promised nothing better than angry repartees or noisy harangues. Such men are not only

[1] *Ibid.*, Vol. 18, p. 449.

valuable to their immediate constituents, but to the nation at large." [1]

The full report of the speech of such a man on such a subject would be worth much. In the "Life and Times of William Lowndes" the author states, "In this controversy, Mr. Lowndes at first spoke but little;" [2] but from the press of the day it seems he spoke for three hours and ten minutes,[3] and his effort shared with that of Clay the honor of being in the opinion of an able opponent the strongest against the amendment. That it was essentially different from that of Clay, there is every reason to believe, from the difference between the men, and in all probability it was temperate, philosophical and illuminating. Sergeant of Pennsylvania undoubtedly made a powerful speech in favor of the amendment; but as has been shown, he pushed the argument too far for the subsequent retreat. However, without attempting to question the sincerity of most of the speakers, there was some truth in the assertion of the *National Intelligencer*, that "the balance of power vibrates, and the feelings of our politicians vibrate in sympathy." [4] In perfect accord with what seems to be the wisest speech now obtainable in full, that of Mr. Tucker of Virginia, the same paper declares: "It is yet attempted to impress the public mind in defiance of repeated contradictions, that this is a question which involves an extension of slavery, that is of the multiplication of slaves in our country. Once for all no such question is presented to the consideration of Congress. The question only concerns the diffusion or the concentration of slaves now in this country. There is not in the Congress of the United States a single individual who would raise his hand in favor of authorizing the introduction of slaves into the United States or, in other words, in favor of the ex-

[1] *City Gazette*, March 10, 1820.
[2] "Life and Times of William Lowndes," p. 207.
[3] *City Gazette*, March 9, 1820.
[4] *Ibid.*, Feb. 5, 1820.

tension of slavery." In all fairness it must be admitted that might be; but if there were some outside of Congress, such would not be powerless and those who for industrial reasons were ready to bring them in from other States and Territories, to States where they were already in immense numbers, might have become as blind to the evil of bringing them in from outside as they were to this very concentration. But after all said, that it was in the main the question of political power which agitated the North, subsequent events seem to have indicated beyond any reasonable doubt, however the representatives may have failed to realize it. The peoples of the Northern States had, when it was to their interest to do so, entered into the most intimate relations with peoples in whose territories this "great evil" existed and recognized it. Nay, more, while praying for deliverance, in the language of Mr. Sergeant, from "this staining sin," industriously occupied themselves with framing a protective tariff which should enable them to reap their full share or more of the produce, which the labor of "these unfortunates" brought into existence. From such lips the warning against "what cupidity may win or necessity extort" [1] and exhortations against "the sordid appetite" [2] must have been hard to bear with patience. The very subsidence of this intense feeling was contemporaneous with the march of progressive tariffs, nor did it again flame out, with a dangerous blaze, until by nullification the tariff was scotched.

It is a tribute to the far-reaching influence of South Carolina's greatest son, that throughout all this contention he could preserve the respect and affection of all members. A curious little parenthetical clause in the reports of congressional proceedings indicates the correctness of the estimate of the Pennsylvania representative above mentioned with regard to him: "On motion of Mr. Lowndes (who by usage has the floor) [3] the committee then rose." He had

[1] Niles's Register, Vol. 18, p. 384. [2] *Ibid.*, Vol. 18, p. 384.
[3] *City Gazette*, Feb. 25, 1820.

opposed the amendment in which the Northern and Western members were so interested, and he likewise opposed the increased tariff they favored; yet the bare suggestion from him, that Campbell of Ohio should postpone the bringing forward of some measure he was interested in, provoked from the latter the reply that it was "difficult to refuse the suggestion of one whose comity was so well established."

It seems to have been the impression that his defeat, for the only office he ever desired,[1] was due to sectional feeling generated by the Missouri debate. And from one of his letters it would look as if he thought so himself; but a careful examination of the vote for Speaker in November, 1820, is convincing that this is a mistake. It was the vote which clung to Smith of Maryland through the twenty-three ballots, ranging from 7 to 53, which prevented the election of Lowndes, although on the seventeenth ballot, one more vote for Lowndes would have made him Speaker. From a communication to the *Baltimore Patriot* it would seem that the friends of Mr. Lowndes were charged with treating Mr. Smith unfairly; but in the opinion of the *Baltimore Telegraph*,[2] Mr. Smith's course in the contest failed to meet with the approval of many of his own people. From the first to the fifth ballot, the vote for Lowndes rose from 34 to 63, the vote for Smith dropping from 27 to 8 on the fourth, Lowndes leading all competitors, Sergeant and Nelson having both dropped out. After this ballot Taylor passed Lowndes, and on the second day's balloting Lowndes dropped to 23, while Smith rose to 53; but as soon as Lowndes dropped to 32, Smith rising to 50, Sergeant came out again and in two ballots Smith and Taylor both dropped, while Lowndes and Sergeant rose. On the fifteenth ballot all dropped save Lowndes, who rose to 55; but on the sixteenth, although he gained 13 votes and Smith and

[1] "Life and Times of William Lowndes," p. 208.
[2] *City Gazette*, Nov. 29, 1820.

Sergeant's votes fell, Taylor gained the exact number Smith lost. On the seventeenth ballot, Lowndes gained 4 votes, lacking one of the requisite number, Smith losing 6, and Sergeant 13, Taylor gaining 14. It is pretty evident that Smith's votes swung over to Taylor, as soon as Lowndes neared the requisite number, and at the close of the second day Little of Maryland moved that the lowest candidate should be dropped. The Clerk of the House, against the vehement protest of Randolph, ruled on the point, and on the third day, on the third ballot, as soon as Lowndes's vote began to drop and Smith's to rise, Taylor was elected.[1]

Taylor was not a strong man, and the next year was defeated by P. P. Barbour of Virginia; but he was estimated above Smith, whose strength consisted in what he drew from the abortive caucus he had endeavored to handle for Crawford. Not only Lowndes as usual, but so many others, had abstained that the caucus only met to decide it was inexpedient to meet, and President Monroe's renomination had followed.

In the meantime, however, the Baldwin bill for raising the duties on imports had passed the House, and as a hysterical paper in Lexington, Kentucky, had declared, been "murdered in the Senate by one vote." A campaign in its favor had been at once announced by Niles's Register, which asserted that if Congress was not compelled at their next session to do something, "the Congress which shall be chosen after the next census will." [2] The Missouri Compromise had therefore brought about an abatement of the feeling with regard to the extension of slavery, which was thereby blocked. For twelve years, through successive tariffs, the South was in the most businesslike way exploited, and then with legislation to repeal the tariff law, the sentiment against slavery sprang up again as an active force.

[1] *Ibid.*, Nov. 21, 1820, to Nov. 23, 1820.
[2] Niles's Register, Vol. 18, p. 240.

CHAPTER IX

THE CHARLESTON MEMORIAL AGAINST THE TARIFF

OUTSIDE of Congress, the effort to increase the duties seems to have aroused more anxiety than the determination to restrict the extension of slavery. Throughout the South, and also in Massachusetts, meetings were called in opposition. At a meeting called in the fall of 1820 at Charleston, South Carolina, the following committee was selected to draft a memorial to Congress against any increase of protective duties: Stephen Elliott, Honorable John S. Richardson, Keating Simons, Thomas Lee, Colonel R. Y. Hayne, John Stoney, Daniel Alexander, Colonel John Johnson and Duke Goodman.[1] The committee was an able one; but on such occasions the bulk of the work usually falls to a few, the most able or industrious. Stephen Elliott was the chairman, and of his wide and varied attainments mention has already been made; but the young Attorney-General of the State, now in his twenty-ninth year, had also become a recognized force in the politics of the city and State. In the Legislature he had promptly taken and held during his short career a commanding position, until he passed from the Speakership to the position he now held as the head of the bar of South Carolina. His clearness of presentation was so well recognized that we are told "the most experienced lawyers at the bar, when counsel with him, usually pressed on him this part of their common duty." [2] His fairness and temperance of utterance is also alluded to as a marked characteristic, and like William Lowndes,

[1] *City Gazette*, Sept. 16, 1820. [2] O'Neall's "Bench & Bar," Vol. 2, p. 23.

for whom he had a great admiration, he was more interested in performing the duty than securing the praise. Unlike Lowndes, however, he had been forced at such an early age to provide for himself, that he had been denied that scholarly finish afforded by a collegiate course, and his manner of presenting the ideas which most profoundly impressed him was by phrases, which seemed to develop, in a gradual progression, with every recurrence to the subject. His style at this period must to a certain extent, however, have been formed, the exuberance of youth and tendency to quotation restrained by experience and reliance upon his own phraseology. He was, therefore, well equipped to draft the memorial. There is a certain resemblance to his splendid speech on the same subject in the United States Senate in 1824, although it falls below it in argumentative force and beauty of diction. It bears the stamp of the thought to which Judge Nott had alluded as having been pressed upon the consideration of the court in Bulow and Potter *vs.* The City Council by Hayne or Drayton, the latter of whom was not of the committee. Lastly, considered hypercritically, there is an occasional paucity of words which Elliott's written discourse is free from and the one weak argument in Hayne's great speech against Clay in 1832 is here also. All these considerations lead to the conclusion that Hayne was quite instrumental in framing it; yet it must be admitted that in a public speech in 1831 he gives Stephen Elliott, who had just died, the credit of the composition of it.

Again, although through all this period the correspondence of Calhoun contains not one word on the tariff, and apart from this Hayne from the end of 1818, when his career in the legislature ended, had less opportunity to distinguish himself than many of the brilliant speakers of that body; yet we find in July, 1822, that Calhoun, in writing to John Ewing Calhoun concerning the expiration of the term of Senator William Smith, unreservedly

declares: "Hayne is the man that ought to be elected. He has talents and eloquence, and will honor the State." [1] Hayne therefore had at this period impressed himself upon the Secretary of War, who, removed from the State, was less intimately in touch with exhibitions of talent, local in their nature, and by what with more likelihood than this memorial to Congress? Throughout his public addresses we find Hayne always delighting to hold up to honor and remembrance the work of others, but never any allusion to his own past work. Even, therefore, if he had had much to do with the framing of the memorial, the fact that the work was passed upon and accepted, added to or revised by the chairman, would have led him to extend the credit of it to him, especially at a period so soon after Elliott's death. But whether the work is to be credited entirely to Stephen Elliott, or not unnaturally partly at least to Hayne, it is worthy of consideration as the expression of South Carolina in this year 1820.

The memorial opens as follows: "The citizens of Charleston have seen with deep regret the efforts which were made at the last session of Congress to impose a high rate of duties on all manufactured articles imported into the United States; efforts made for the express and avowed purpose of creating, encouraging and supporting in this country great manufacturing establishments; of modifying and curtailing extensively our mercantile intercourse with foreign nations and forcing from their present employment much of the labor and capital of our fellow-citizens. As there is much cause to apprehend that this measure will again be presented to the consideration of Congress, your memorialists beg leave to state the reasons which have led them to view the system as one unfavorable to the general interest of the United States; as one likely to prove partial in its operation, injurious in its effects, uncertain in its results, and which departs equally from the spirit

[1] "Calhoun's Correspondence," p. 204.

of our Constitution and the best-established principles of national economy. It is a position almost too self-evident for controversy, that in every free or well-regulated government, labor and capital should be permitted to seek and find their own employment. To the sagacity of individuals this trust may be safely committed. Government can never regulate to advantage the employment of capital because success in the pursuit of wealth in every department of life depends on local circumstances; on minute details; on personal exertions which cannot be regulated; on causes which escape those general views, which alone a government can take of the transactions of its citizens. It is sufficient that a government take care that the employment of each individual shall inflict on others or on the community at large no injury, and that each shall receive equal and uniform protection. All interference beyond this is useless and pernicious."

Passing on to the main point, the case for a tariff for revenue is put in terse legal phrase, as it is put in the great debate with Clay twelve years later, a presentment difficult to improve. "Every duty on imported commodities operates as a tax on the consumer. When these taxes are imposed only to supply the necessary wants of the government, they are cheerfully paid; when imposed to enrich individuals, we should surely consider well on what grounds the claims of such individuals are advanced, we should inquire carefully what reciprocal benefits the public will receive." It is freely admitted that "domestic manufactures make us independent of foreign nations"; but it is submitted, if this is the real reason for them, it would equally apply to the hothouse forcing of the culture of sugar, coffee, tea, pepper and other products of the tropical countries in the South by governmental aid. Combating this argument for independence, the point is pushed too far, the case overstated and weakened in the opening: "If every nation is dependent that is obliged to purchase the products or

manufactures of other climates or countries, every individual must be in the same degree dependent who has to purchase the products of the labor of other men. There is no distinction in the argument. There is no pause until we arrive at that state where each individual shall produce for himself every article which he cannot raise or fabricate. This will carry us back to the condition in which the semi-barbarous people of Europe existed during the pressure of the feudal system, when almost all intercourse between individuals and nations was interdicted; when nothing was interchanged but injuries, nothing remembered but oppression. How much more simple and wise is it for each nation to raise or manufacture those articles which are most congenial to its soil and the habits of its people and exchange its superfluous productions for the productions of other climates and other conditions of society — to perpetuate if possible amicable relations with all countries by the foremost of all ties, reciprocal advantages, remembering always that in proportion as the interchange is free and unrestricted will be the mutual benefit it will confer." [1]

With further elaborations, which space does not permit, an aspect of the case is presented which in the light of the subsequent history of the tariff might be fairly called prophetic: "The very magnitude of the evil prevents a remedy. The amount of capital and the number of people engaged in an unprofitable employment may render it cruel if not impracticable to withdraw further from it that countenance and support by which it was first encouraged and the influence which so strong an interest and one so easily combined can exert over any government, should render us very cautious how we render that a claim, which at first may be regarded as a favor. It is in the present instance to the extraordinary combination of interest and exertions among a class of citizens whose pursuits are very distinct and whose title or pretensions are widely

[1] *City Gazette*, Sept. 16, 1820.

different; it is to this demand for indiscriminate encouragement that we particularly object. It is this combined effort to force our government from its position that we view with apprehension and alarm. And when we perceive the difficulty of resisting now the applications of this united body of manufacturers, even when advancing new and, as we think, unreasonable claims, what administration would ever have the power or the resolution of withdrawing from them hereafter any privileges which may have once been improvidently granted?" [1]

Strongly as the above is put, it must in fairness be admitted that the memorial discloses an incredulity with regard to the growth of manufactures which time has demonstrated erroneous, not only in the Union, but in the State of South Carolina; yet while this attracts attention, we note the warning against "every system of restriction, of monopoly and particular privileges." The Corn Laws of Great Britain are also discussed with an accuracy of knowledge and soundness of reasoning later amply vindicated by the difficulties of that nation.

The tone of the paper throughout is temperate, especially so when we recollect the stormy debate in Congress of that year. "We regret that we are compelled to advert to local or sectional advantages or view our own interests as distinct from those of any other portion of our fellow-citizens; but the circumstances which have been latterly forced upon our attention oblige us to view this question in relation to our own immediate interests. . . . To manufactures we have no hostility, we would wish to see them arise, flourish and attain a vigorous and permanent maturity; but we wish to see this advance as our wants, our means and the state of our society shall be adapted to their establishment."

The resolutions appended to the memorial provided for its presentation in Congress by Charles Pinckney and active propaganda

[1] *Ibid.*, Sept. 16, 1820.

of the sentiments contained therein through the press and, if necessary, arrangements for a movement looking to the calling of a convention of "delegates from other parts of the Union on the subject of the tariff."

From the above it will appear that Professor Woodrow Wilson is not altogether correct in asserting with regard to South Carolina that "the Act of 1816 had had little importance for her." [1] His presentation of the reasons why "South Carolina was entitled to speak for her sister states," viz., "her exports in 1829 were valued at $8,175,586, only Louisiana in the South and New York and Massachusetts in the North showed a larger total," [2] is strong as far as it goes; but had he looked closer, he would have found that the value of the exports of South Carolina for the year ending September 30, 1816, amounting to $10,849,409, were in excess of both Louisiana and Massachusetts, and second only to New York.[3] Still that tariff she would not have questioned, probably agreeing with Lowndes, that there was "some protection due to infant industries, and that the question was, 'What measure of protection do they require?'" [4] But the claim set up in the memorial, "that for the last two years the business of the State had been affected," [5] would seem to establish that, *pari passu* with the collecting of the duties of the tariff of 1816 came a certain business depression, and Lowndes, who had brought Clay and Webster together to enact that tariff,[6] opposed the Baldwin bill of 1820 on the ground that the increased duties were not necessary, which claim seemed fully established by the condition of the manufacturing interests as they were found to be in Philadelphia the follow-

[1] Woodrow Wilson, "Division and Reunion," p. 49.

[2] "History of the American People," Vol. 3, p. 285.

[3] *City Gazette*, Feb. 20, 1817; *Boston Daily Advertiser*, quoted by *City Gazette*, April 17, 1820.

[4] "Life and Times of William Lowndes," p. 153.

[5] *City Gazette*, Sept. 16, 1820.

[6] *Ibid.*, March 28, 1816.

ing year.[1] On both questions which had stirred the country so deeply there was but the small manifestation of feeling, evinced by the strict sectional vote by which Missouri was denied admission, until she repealed the provision of her Constitution, prohibiting the entry of free persons of color.[2] It seems scarcely credible, but is reported, that before the year was ended the Legislature of Massachusetts was endeavoring to find some way of not only preventing any further influx of such persons, but relief from such as were in that State.

[1] *Ibid.*, July 18, 1821. [2] "Life and Times of William Lowndes," p. 212.

CHAPTER X

A CONSIDERATION OF THE TONE OF PUBLIC OPINION AND INTEREST IN INDUSTRIAL ENTERPRISE, NORTH AND SOUTH, IN 1821

THE proprietor of the *City Gazette* in the year 1821 obtained the services of a very talented gentleman as editor, a scholar and something of a wit, capable of holding his own in any ordinary controversy, and indulging a little more in editorial comment than the spare amount of that time. In July of that year we find the following: "The Legislature of Massachusetts have lately been making some inquiries into the character and conduct of that portion of their population called persons of color. A committee was appointed to report upon the expediency of amending the laws of the commonwealth concerning the admission into and residence in this State of negroes and mulattoes." Then follows what purports to be a portion of the report: "Your committee do not think it necessary to make particular mention of the evils which will accompany this description of population. Those which are most apparent are: —

"1. Increasing the number of paupers and convicts.

"2. Collecting in the large towns an indolent and disorderly and corrupt population.

"3. Substituting themselves in many labors and occupations which in the end it would be more advantageous to have performed by the white and native population of the State.

"Your committee in finishing this part of the report think it due to the subject to state that the good order and tranquillity of the towns has of late years been often and much disturbed by violent

riots at that part of the town where persons of color collect in great numbers. Your committee are fully persuaded of the importance of this subject and of the great necessity of adopting such laws in this commonwealth as, without departing in the least degree from the respect for humanity and the just rights of all classes of men by which this commonwealth has been long and greatly distinguished, shall at the same time protect the State from the burden of an expensive and injurious population, etc." [1] "What kind of bill," inquires Editor Harby, "by which the State of Massachusetts is to be disburdened of this description of population, without infringement on the just rights of all classes, we confess our inability to see;" but he continues: "These remarks are made in a spirit of good humor; for since the admission of Missouri into the Union and the handsome conduct of her legislature, in accepting the condition, we fondly anticipate no dissolution of our national alliance."

The same year which saw this extraordinary report, so utterly inconsistent with the terms imposed upon Missouri, saw the respective attempts at nullification in Ohio and Virginia, not proceeding as far as that dangerous one in Massachusetts in 1811, but familiarizing the minds of all with the possibilities of such procedure. In the Ohio case the editor of the *Gazette* contents himself with an account, and that incident is chiefly interesting to us as illustrating the plausibility of Judge Nott's dissenting opinion in Bulow and Potter *vs.* The City Council in 1818. As stated by the *City Gazette*, the Ohio case was this: "The Federal Government (by power delegated we believe to the Directors) instituted a branch of the Bank of the United States in Ohio. The Legislature, fearing the institution injurious to the interests of the State Banks (or if you please the citizens), passed a law laying a tax of $100,000 on the Branch Bank — that is, an act by

[1] *City Gazette*, July 27, 1821.

which they would exclude the operations of an institution created by the Federal Government. Accordingly, an officer of the State did walk into the Branch Bank and did forcibly take away from the vaults thereof the above named sum of $100,000 and did lodge the same in the treasury of the State, where it remains to-day." [1] It is true that an appeal was made in this case to the Supreme Court; but it was not immediately disposed of, and the manner of the proceeding on the part of the State authorities was certainly not one conducive to great respect for the Federal authority. If unaccompanied by overt act, in expression the Virginia case went farther. A bill was proposed by the *Richmond Enquirer*, threatening with very severe penalties "any person who should enforce within the commonwealth any judgments of the Supreme Court or any other foreign tribunal which reviews a judgment of the courts of this commonwealth, or who shall enforce within this commonwealth any act or pretended act of the Legislature of the District of Columbia, contravening any of the statutes of this commonwealth." [2]

This bill Editor Harby attacks fiercely, although he incidentally recognizes secession in the declaration that such an act would be ineffectual, unless Virginia resumed the powers, which, as a State, she had expressly granted to the Federal government; and he roundly rebukes the paper for its belittling reference to Congress in the following patriotic outburst: "The *Richmond Enquirer* impudently denominates the greatest government on God's earth, the government of the United States, the sacred deposit of the Will, and palladium of the liberties of the people of these States — it impudently denominates this Amphictyonic Council, this Mind of all the citizens, as the Legislature of the District of Columbia."

From these extracts it is patent that public opinion in South

[1] *City Gazette*, Aug. 14, 1821. [2] *Ibid.*, Nov. 28, 1821.

Carolina was not only for the Union and opposed to anything which could threaten it, but entertained a reverence for it beyond that expressed in Ohio and Virginia. The views of Mr. Harby are the views of Charles Pinckney in 1788, expressed in different language. Pinckney had asked "on what depends the enjoyment of these rare inestimable privileges?" And answering his own question had declared, "On the firmness, on the power of the union to protect and defend them." [1] And that was but another way of pronouncing the United States government "the palladium of the liberties of the people of these States." But passing from this to the contemplation of the condition of the free colored persons in South Carolina and the North, and comparing the evidences of their condition as indicated by the letter of the Brown Fellowship Society on the one hand,[2] and the report of the Massachusetts committee of the Legislature on the other, it is indisputable that a higher and nobler type of colored man was being developed in South Carolina than in Massachusetts, unless we are willing to believe that this report of the committee of the Massachusetts Legislature was a libel upon her black and colored inhabitants in 1821.

Despite the unfortunate weakness which, for material gain, broke down the restrictions against the introduction of slaves from other States and Territories to South Carolina, conditions in the State showed a steadily advancing civilization and humanitarian development calculated to stand comparison also with any in the Union. The necessity of internal improvements was thoroughly realized, if the execution was defective. The talented South Carolinian, Joel R. Poinsett, who had been mistakenly placed at the head of the Board, was about to give way to the more practical son of her adoption, Abraham Blanding, and in the line of state-

[1] *State Gazette*, June 9, 1788.

[2] Letter Book of Society, April 17, 1817. In possession of J. H. Holloway.

craft the former was to give a clearer illustration of his powers of mind and strength of character. But many suggestions were appearing, and Mills's Atlas, just completed, was a work for the State by one of her sons, helping greatly all projects of improvement; yet nothing which came to light in this year of 1821 has the same interest as a short communication, signed "H," introducing the subject of a railway, to be operated by steam from Charleston to Augusta and Columbia.[1] Before touching upon this, however, some facts illustrative of the prevailing trend of public opinion, ethically, may be instructive. Charles Pinckney, before retiring from Congress, where he was succeeded by Joel R. Poinsett, had succeeded in passing a resolution "that a committee be appointed to consider the expediency of restoring to all the States the jurisdiction of all the territory ceded by them for forts and arsenals, so far as respects the exercise of the State laws for the prevention and punishment of crime and recovering of debts."[2] This he stated was mainly to assist in the prevention of duels, illegal on South Carolina soil since 1812, through Dr. Moser's act; but safely indulged in on Federal territory.

Dr. Philip Moser was still in the Legislature and still a genuine reformer, never weary of well-doing. In his message to the Legislature, Governor Bennett had in the fall of 1821 put before that body, very forcibly, some suggestions, among which we find this: "In the class of penal laws there are no provisions which present stronger and more urgent claims to the justice, humanity and prompt attention of the Legislature than those which prescribe the mode of trial and punishment for crimes committed by slaves and other negroes. The necessity which originally induced their adoption will be found in that feeble and immature state of society, which would justify a resort to the most summary and vigorous measures under the great rule of self-preservation. . . . To

[1] *City Gazette*, Nov. 22, 1821.

[2] *Ibid.*, Feb. 10, 1820.

give permanency to so gracious an interposition of your favor will require an earnest effort to anticipate the cause which originally made necessary the present rigorous system, the most conspicuous among others is the continuation of that inhuman traffic for slaves with our sister states, in which cupidity revels and human misery is made to swell the coffers of eager avarice; alike regardless of the calls of patriotism and the mild precepts of Christian charity. It is reserved for the benevolent and prudential system of legislation which has ever characterized the State, to arrest the enormous evil and check a vice whose rapid growth threatens the peace of society." [1] That these sentiments were shared by his auditors is shown by the fact that at this session Dr. Moser succeeded in effecting what he had been striving for before; for he gave notice that he would ask leave to bring in a bill making the punishment for the deliberate murder of any negro or free person of color, death without benefit of clergy. He brought it in and it passed.[2] But in addition to this we are informed that so many applications to emancipate slaves were submitted at this session, that a general principle had to be adopted to save time.[3] Between this and the next session occurred Denmark Vesey's insurrection, which caused to arise, however, some doubts as to the relaxing of laws for governing the great numbers of the inferior race then in the State; but even that was not sufficient to effect any great change in sentiment. In the year 1821, undisturbed by political broils and contests, oblivious of the dangers which in the succeeding year the insurrection revealed as possibilities, the people of South Carolina addressed themselves to the consideration of schemes of betterment, material as well as moral, and this brings us back to the suggestion of "H."

In his history of the first locomotive in America, Mr. Brown

[1] *Ibid.*, Dec. 7, 1821.
[2] *Ibid.*, Dec. 11, 1821; *Courier*, Dec. 27, 1821.
[3] *City Gazette*, Dec. 1, 1821.

makes the assertion: "It was not until 1820 that the first suggestion of using the locomotive (imperfect as it then was) in the place of horse power was advocated by one Thomas Gray, who devoted much of his time and money in publishing articles and pamphlets upon the subject." [1] Continuing, the author states that "in England, the Hatton Colliery in Durham was altered into a locomotive railway, and Mr. Stephenson appointed its chief engineer, the road being opened for the first time for locomotives, November 18, 1822." Passing to America, he states that the first railroad built in the United States was one commenced at Quincy, Massachusetts, in 1826; but that the first roads started, which concerned themselves with the problem of operation by means of steam locomotives, were the Delaware and Hudson Canal Company and the South Carolina Railroad, both begun in 1828.[2] His interesting conclusion, after narrating the practical failure of the imported English locomotives on the Delaware and Hudson Canal Company's line, is that "the South Carolina Railroad was accordingly the first road in the world built expressly for locomotives and also the pioneer in having the first locomotive for actual service in America built for their use; also the first to order a locomotive built in their midst and by one of their own native mechanics and citizens." [3] These facts, as important as they are to an exact knowledge of the industrial history of the United States, are not generally known and do not appear in McMaster's History, although Brown, by whom they are made, is cited as an authority. They are summarized, however, in Elson's "History of the United States." [4] From the suggestion of "H," however, it appears; that in 1821, five years prior to the commencement of the three-mile road at Quincy to be operated by horse power, evidently, it was suggested to construct

[1] "History of the First Locomotive in America," p. 54.
[2] *Ibid.*, pp. 70–71. [3] *Ibid.*, p. 151.
[4] Henry William Elson, "History of the United States," Vol. 3, p. 94.

a railroad from Charleston to Augusta and Columbia, to be operated by the agency of steam; that there was a survey of the route in that year contemplated; and that the intelligent mechanics of Charleston (two of whom, E. L. Miller [1] and Thomas Dotterer, won for their city and State the great distinction awarded by Brown in his history of the locomotive) knew of and believed in the claims of their fellow-craftsman and citizen of the United States, Oliver Evans, whose assertion of the possibility of such operation of carriages by steam had been stated in the papers of Charleston at least five years prior.

But to get down to the suggestion of 1821.

Just prior to the convening of the South Carolina Legislature an article appeared in the *City Gazette*, introducing to the notice of the public a publication set forth as a description of "The Patent Railway." The introduction was as follows:—

"For the *City Gazette:* Mr. Editor: Having during an excursion to the Eastward seen a specimen of the patent railway, I was led to believe that the plan would be useful in this State. The inclement weather to which our roads are subject must defy all attempts to render them good during some portions of the year. The soil on which they are made and the materials adjacent to some parts renders them liable to constant injury. The following publication may serve to direct public attention to the subject. It was made in relation to a more northern climate and some of the inconveniences stated would not be felt here. The season for discussing the great subject of Internal Improvement has arrived and this may add to the materials.

"H." [2]

Under this communication appeared the plan headed as "The Patent Railway," from which it appeared that it was "a combination of iron and wood railway, which the patentee was allowed to test the merits of on the wharf of the Honorable William Gray, where about four hundred feet are laid down permanently." Then follows a description at some length of something like a

[1] "History of the First Locomotive in America," p. 139.

[2] *City Gazette*, Nov. 22, 1821.

trestle track, with estimates of cost of constructing same from Boston to Worcester, and a claim that the "plan is essentially different and much cheaper than any in Great Britain or this country"; but an explanation that "there are many things to be attended to in the erection of the railways and using the carriages, which cannot be particularly noticed in a circular; at the same time any good mechanic can erect the whole and it is easily kept in repair from its entire simplicity. . . . This plan is so novel many persons think they see insurmountable difficulties, without understanding all the details. . . . A Fulton was ridiculed for his attempt to apply steam to boats, and those that pronounce that horses cannot walk on a plank must allow that steam can and has been used and considered as cheap as horses. . . . In South Carolina, suppose a pair of railways was laid from Charleston to Augusta and a fork run to Columbia, in all 150 miles, cost $400,000, a load of cotton could be carried in five days, instead of thirty, by water. $2 per bale would be readily paid for carrying same, and proportionately for rice and tobacco, and $25 per ton for carrying goods up: there is sufficient transportation to make the work valuable," etc.

Commenting on this, the editor only remarks that his knowledge of the subject is limited; but he invites attention, observing that the patentee, Mr. Williams, is at that date in Philadelphia, but may come to South Carolina during the winter.

Of course it would be a violent assumption to assert that the writer, who brought this patent railway to the notice of the public of South Carolina, was Hayne; yet there are many plausible reasons for that determination. It was the custom in Charleston, in publishing a communication, to assume a *nom de plume*, generally some of the well-known Latin worthies; but if not one of these, at least a distinctive word. Less often and on grave occasions the correspondent signed his own name. This last was almost inva-

riably the practice of Hayne, and on one of the few occasions in which he appears to have done otherwise in the year immediately following 1822, he signs a card of just about the same length, "H."[1] The events which followed were calculated to distract his attention from such an enterprise for quite a while. The nomination of Lowndes for the Presidency by the Legislature of South Carolina,[2] the insurrection of Denmark Vesey, during which much responsibility was imposed upon Hayne; and his own nomination and election to the United States Senate, where for ten years he led the fight against progressive tariffs, until as Governor he held up the hand of Calhoun and assisted him to strike down the so-called American system by the Compromise forced from Clay. Yet during all this period his speeches are permeated with the ideas of the memorial of 1820, ever developing, until, flowering into a devotion almost religious, he abandons every ambition for the purpose of binding in the indissoluble bonds of interest and mutual intercourse the political Union he recognizes as threatened, and seals his patriotism with his death. Whether Stephen Elliott was entitled to the entire credit for the memorial, or whether Hayne was entitled to some share in spite of his crediting it to the chairman of the committee of which he was a member, it is more than likely that the labor of engrossing it was performed by some one other than the chairman; and in furtherance of the view that to some extent a less accomplished scholar than Elliott took part in the composition, — even if only to bring the heads together in one whole,— the slight deficiency in words has been noted, the tendency to repeat a certain word, where one synonymous would help the style and by an otherwise rather striking coincidence we find in the short space occupied by this card the identical repetition in the apparent inability to substitute a word which might prevent the repetition of the word "render." In the memorial we read: "and the influence by which

[1] *City Gazette*, Nov. 13, 1822.

[2] *Ibid.*, Dec. 31, 1821.

so strong an interest . . . can exert over any government, should *render* us very cautious how we *render* that a claim, which at first may be regarded as a favor." In the communication to the *City Gazette* with regard to the patent railway we note: "The inclement weather to which our roads are subject must defy all attempts to *render* them good . . . and the materials adjacent to some parts *renders* them liable," etc. As another possible indication it is submitted that the Honorable William Gray in question was the great Boston merchant of that name who supported the embargo in spite of the injury done to his business; and that six years later, with both Senators Silsbee and Webster representing Massachusetts in the United States Senate, yet the committee of Boston merchants, who in that year protested against the tariff, sent their memorial to be presented by Senator Hayne, among the signers of which memorial was a member of the family and close relative of the Honorable William Gray. By whomsoever suggested, however, the card of "H" was not absolutely barren of results; for a bill was introduced in the Legislature "for a survey from Granby to Charleston on the route delineated by Robert Mills for a canal, the preparation of a list of the owners of the land through which same would pass, and an estimate of the expense of the work." [1] Inasmuch as the charter granted six years later was for a railroad or canal, or a railroad and canal, in "H," we may have the original projector of the Hamburg Railroad.

[1] *Courier*, Dec. 12, 1821.

CHAPTER XI

LOWNDES NOMINATED FOR THE PRESIDENCY BY THE LEGISLATURE OF SOUTH CAROLINA

PERHAPS the most interesting act of the Legislature of this year 1821 was the nomination of William Lowndes for the position of President of the United States. There were some doubts concerning the propriety or expediency of a nomination, so far in advance of the election for the office, which would not take place before the fall of 1824; but once it was decided by a vote of 58 to 54 to nominate at that meeting,[1] Lowndes was unanimously chosen. The reason given by the mover of the resolution proposing the name of Lowndes for his nomination was, that "if the principles of State sovereignty, pushed to their excess and of unrelenting economy, which had been associated perspectively (prospectively) with the administration of Mr. Crawford, were true, his selection would be a serious evil to the country." [2] Unfortunately it was not very long after this nomination that it became apparent that Mr. Lowndes's health was failing; but it was thought even if this was the fact, and it should preclude his candidacy, John C. Calhoun, then Secretary of War, represented practically the same ideas and would receive, with Lowndes's withdrawal, the unanimous support of the State; for these two great sons of South Carolina had up to this time moved along the same lines, in support of a liberal interpretation of the powers of Federal government.

Hayne's views as to this nomination happen to have been stated by him shortly after in a letter to Lowndes, in which he assumes this agreement, and the letter explains why he could not permit

[1] *City Gazette*, Dec. 31, 1821. [2] *Ibid.*, Jan. 9, 1822.

the assertion made later by his brother-in-law, H. L. Pinckney, that he was a supporter of Mr. Calhoun for the Presidency, to stand unchallenged during Mr. Lowndes's life. This letter is from Charleston, under date January 21, 1822, and after a preliminary request in behalf of a Colonel Waring, is devoted to the question of the nomination. He says: "While I have my pen in hand writing to you, I cannot refrain from adding a few lines on the subject of the Presidential Election. You know too well my feelings towards you to doubt the deep interest I must take in everything which concerns your welfare, and I am sure it is superfluous to add that no event could give me more sincere pleasure than to see you elevated to the station I believe you so well qualified to fill with honor, though I must doubt the policy of the proceedings at Columbia (and had I been acquainted with the design of holding such a meeting would have opposed it); yet circumstanced as we now are, I think the course you have resolved to pursue is one of which every candid and liberal man must approve — and in no possible event can censure attach to you, nor can you have anything to regret — Your friends, here, rest their hopes of final success in some measure on the collisions which must arise among the other candidates. We feel assured that the temperate unbiassed judgment of the well-informed men of the U. S. will be favorable to your claims, and this we think will probably be very soon displayed. Your friends will certainly not be disposed to press your claims should public opinion declare itself decidedly in favor of one or two of the candidates, but the position you have taken gives an opportunity to your friends of ascertaining the true state of the public mind. Time only is wanting to give us the information we desire, and this without any step on your part. It is certainly to be regretted that any opposition should arise between the claims of Mr. Calhoun and your own. The unanimous vote of South Carolina will certainly be given for either should but one be a candidate.

The sincere respect entertained for Mr. Calhoun's talents, virtues and services in every part of the State would make us more than satisfied with his success. But it is believed that your claims are not to be postponed to those of any other person. If it shall appear in the course of events that you have no fair prospects of success, your friends, who are all of them Mr. Calhoun's friends, would certainly unite in his support. Taking into consideration the proceedings at Columbia, perhaps this will be the course least injurious to Mr. C. Should it finally appear that Mr. C. will not receive the support his sanguine friends anticipate, I presume he would feel no hesitation in throwing his weight into your scale. Time can only decide the course which ought to be pursued by Mr. C. and yourself. I have thus written to give you freely my impressions on this most interesting subject. I have been favored by our mutual friend, Major Hamilton, with a sight of your letters and therefore trust that the expression of my sentiments will not be unacceptable to you. . . . I am, Dear Sir, with great respect and esteem," etc.[1] From Mr. Lowndes's letter to James Hamilton, Jr., of December 29, 1821,[2] the chivalrous attitude of the man appears in all its belief in the greatness of a friend. It was written after consultation with Calhoun and is quite as much for Calhoun as for himself. In fact, one would infer from Hamilton's reply, January 9, 1822,[3] a little more so, and there seems to have been a rather prompt acceptance of Calhoun's oversanguine description of himself, as the nominee of Pennsylvania, which ex-Senator William Smith later ridiculed so mercilessly. Calhoun was a great statesman, a man of pure and high principles; but he believed firmly in himself, nor did his greatness ever exceed the estimate he entertained of it. His letter of a couple of months later to John Ewing Calhoun is not any other than natural, coming as it does from an ambitious and confident man, but is in contrast to that of his friend Lowndes,

[1] Original in possession of William Lowndes, Esq.
[2] "Life and Times of William Lowndes," p. 226.
[3] *Ibid.*, p. 228.

to whom it alludes: "The presidential election continues to be much spoken of, but does not yet produce much political excitement. My friends think my political prospect good, in fact better than any other who is spoken of. There is no doubt of Pennsylvania, which must go far to decide the contest. I do not think Mr. L. is much spoken of. He has few opponents, but still fewer ardent friends. My own opinion is that the contest will be between Adams, Crawford and myself." [1] But it must have been apparent by the spring of 1822 that the most prominent of all her sons in Congress could no longer serve the State of South Carolina, and probably in May Mr. Lowndes resigned his seat. That he was in the minds of some already marked for death, is indicated by the fact that the *City Gazette*, after naming six candidates, states the belief that in the end the contest will be confined to the three named in Mr. Calhoun's letter, to wit, Adams, Crawford and Calhoun.[2] Three days later, however, it apologizes for the intimation that Mr. Lowndes will withdraw.

But Mr. Lowndes and Mr. Calhoun were not the only two South Carolinians of this date of national prominence. There was Langdon Cheves, who had been elevated to the Speakership of the United States House of Representatives in 1814, and later having as president "rescued the United States Bank from impending ruin in 1819," [3] and having set it on a firm financial foundation, was now about to retire from the presidency of that institution. He was mentioned in Kentucky in connection with the Presidency; [4] while the possibility of his again representing South Carolina was a subject of comment in the State.

Yet public interest in such matters in South Carolina was suspended for some months in the spring and summer of 1822, on

[1] "Calhoun's Correspondence," p. 202.
[2] *City Gazette*, Jan. 14, 1822, Jan. 16, 1822.
[3] *Ibid.*, Oct. 22, 1822.
[4] *Courier*, June 7, 1822.

account of a matter of closer concern and more absorbing interest, the threatened insurrection of which Denmark Vesey was the principal leader. In the measures taken to prevent an uprising of the negroes and safeguard the homes of the whites, Hayne was prominent on account of his position in the militia. Prior to this year, and probably in the early part of 1820, he had contracted his second marriage. His second wife was Miss Rebecca Motte Alston, a half-sister of that Governor Alston who had at such an early age recognized his ability. The lady was of about his own age, of more than ordinary strength of character and intelligence, so much so that it was a matter of jest in her family whether, in matrimony, she could possibly arrive at that mutual adjustment of tastes and opinions so necessary to happiness. She made him a devoted wife, and under his affectionate influence the quality with which she most impressed the various individuals his varied public duties threw into contact with her, was amiability. It seems a loss that none of the letters which passed between husband and wife should be permitted to see the light, for the tactful use of such does much to add to the charm of that delightful book, "The Life and Times of William Lowndes"; but the only scrap which is obtainable is in the shape of a few lines addressed to a young and near relative of his wife, to whom he sent some little gift upon her wedding day, preserved by the daughter of the recipient, and furnished with the statement that she had often heard her mother speak of the donor's charm of manner: —

"Accept, sweet girl, from one who feels
The purest joy which marriage yields,
This little gift designed to say
How welcome is your bridal day.

"The golden leaf by pearls enshrined,
Apt emblem of a heart refined,
Whose sterling worth in graces dressed
In M— A— stands confessed."

CHAPTER XII

DENMARK VESEY'S INSURRECTION

In the spring of 1822 Charleston and the surrounding coast country were greatly disturbed by apprehensions of a negro insurrection. According to the United States Census of 1820, the white population of Charleston had actually decreased; while the black and colored had increased. With a slight increase of population, the proportion of the inferior race were to the superior four-sevenths to three-sevenths. What exactly was the proportion in 1822 is problematical; but the importation of slaves from other States and Territories had grown to such proportions as to call for comment in the Governor's message, December, 1821, and even so conservative an individual as General Thomas Pinckney realized the great injury to South Carolina, and what is more strikingly patriotic, the peculiar hardship on the white artisan class; and that cheap negro labor was steadily undermining that class of Charleston's population which had ever been stridently Republican, which had elevated to power Charles Pinckney, John Geddes, Thomas Bennett, and Robert Y. Hayne, and had failed to support his own great brother because he was a Federalist. Taking into consideration the suburbs, he estimated that the proportion of whites to blacks was 14 to 22, and the numbers of the white artisans growing less. This, with great wisdom, he considered an injury, and set forth his reasons. But the danger to be apprehended from the presence of this growing mass was to be even more forcibly illustrated by the attempt this year of one Denmark [1]

[1] Denmark (or Telemaque Vesey), a free mulatto worth $8000 in property. *City Gazette*, Aug. 21, 1822.

Vesey to stir up an insurrection. Vesey was a free mulatto from the West Indies. His principal lieutenants were Peter Poyas, a trusted slave, well reared and occupying a respectable position, and Gullah Jack, an imported African. The insurrection was revealed by a slave named George, belonging to the Wilson family, who being a mechanic was allowed to work out, yielding a portion of his wages to his owner. A description of this man, and of the night on which the uprising was planned to take place, is here submitted by Mr. Hasell Wilson, for many years chief engineer of the Pennsylvania Railroad and as late as 1900 connected with it, who has left an account based on his personal recollection.[1]

"The slave George," he says, "was a heavily built dark mulatto, a blacksmith, who worked out, and according to the custom accounted to his mistress only for a portion of his wages. He could read and write, bore an excellent character with blacks and whites and was a class leader in the Methodist Church." [2] As Peter Poyas had thrown in his lot with the band, George was approached also; but to George the plans seemed horrible, and he exerted himself to defeat them. In counting on Peter, another slave, the conspirators were also misled. Pencil, a free person of color, also gave testimony against them. Of course the entire scheme was based on an incapacity to realize the true condition of affairs in South Carolina, and must have been absolutely abortive at the best; but this did not preclude the possibility and extreme probability of much distress and anguish and frightful excesses of rapine and bloodshed attending the attempt, which these three men prevented; for once warned, the community was safe. The action of the authorities was prompt; and, as it was beginning to be natural, the main responsibility was devolved upon Hayne. On Sunday, June 16, at ten o'clock at night, Captain Cattle's Corps

[1] Mss. in Charleston Library. [2] *Ibid.*

of Hussars, Captain Miller's Light Infantry, Captain Martindale's Neck Rangers, the Charleston Riflemen and the City Guard were ordered to rendezvous for guard, the whole organized as a detachment, under command of Colonel R. Y. Hayne.[1] To the women and children the night could have scarcely been a pleasant one, the very vagueness of the matter imparting a mysterious air of horror to the thought of insurrection and what it might purport. Mr. Wilson in his account records the natural impressions of a child. "I can never forget," he writes, "the feeling of alarm and anxiety that pervaded the whole community, from the time the danger became known until all risk appeared to be over. On the night appointed for the consummation of the plot, no one, not even the children, ventured to retire, and the passing of the patrols on the streets and every slight noise excited attention. When morning dawned without any alarm having been given, there was a general feeling of relief; but the anxiety and suspense were not dissipated for some time."

Two courts were formed for the trial of the conspirators. The first court organized early in July consisted of William Drayton, J. R. Pringle, Robert J. Turnbull, N. Heyward, Henry Deas, Thomas Parker and Lionel Kennedy,[2] and of one hundred and fifty or so accused, brought before it, seventy-one were found guilty, and of these, thirty-four condemned to death and thirty-seven to transportation beyond the limits of the State, among those condemned to death being Denmark Vesey, represented by George Warren Cross, Esq., as counsel, and also Peter Poyas and Gullah Jack, the three deemed the principal ringleaders. This court seems to have been subjected to some criticism and its protest brought a rejoinder from a distinguished judge. There were rumors that the court was disposed to resign; but it sat until July 31, when a new court, consisting of Joel R. Poinsett,

[1] Account published by City Corporation. [2] *City Gazette*, July 31, 1822.

Robert Y. Hayne, Thomas Rhett Smith, Thomas Roper, John Gordon, Jacob Axson and Charles M. Furman was formed, the old one having been dissolved.[1] The second court sat for nine days, sentenced one prisoner to death and seven to transportation and dismissed the remainder of the accused. Of those condemned, some were very denunciatory of the leaders, accusing them of having brought them to their unhappy pass;[2] but Denmark Vesey and Peter Poyas met their death with firmness, refusing to make any statement whatever. The execution of the thirty-five was designated by the *New York Daily Advertiser*, "A Bloody Sacrifice,"[3] which provoked the prompt retort, that exactly the same number on a similar accusation and investigation had been executed in New York some years previous, and some of the accused burnt to death.[4] To people who believed that by prompt and decisive measures a terrible danger had been averted, the comments of the New York paper seemed unreasonable; yet the reply was a citation of facts rather than indulgence in rhetoric, and when in opposition to the general criticism of the Northern press the *Boston Recorder* protested against this criticism and asserted its belief that, with scarcely any exception, the whole Northern population sympathized with the people of Charleston in their danger and deliverance, the publication of the article brought forth a response signed by "Union," in which the writer declared that intercourse between the sections was alone needed to increase the mutual esteem.

[1] *Ibid.*

[2] The confession of Jack Purcell: "If it had not been for the cunning of that old villain Vesey, I would not now be in my present position. . . . He one day brought me a speech which he told me had been delivered by a Mr. King, on the subject of slavery . . . that Mr. King had declared he would continue to speak, write and publish pamphlets against slavery . . . for that slavery was a great disgrace to the country." *City Gazette*, Aug. 21, 1822.

[3] *City Gazette*, Aug. 14, 1822.

[4] *Ibid.*, Sept. 27, 1822.

If we consider the effect upon the views of the people of South Carolina of this alarm, we will find that the Grand Jury of Charleston reiterated its presentment of years previous in almost the exact language against "the dangerous and growing evil of the frequent introduction of slaves from other States into this State." [1] While the temper of the Legislature was such that upon the introduction of a bill to prohibit the bringing of slaves into the State for sale, barter or exchange, it mustered behind it 52 votes, with only 61 against it; [2] and if Governor Bennett had only plucked up a little more courage and resolution, he might have helped it through. But Governor Bennett was not the same man he was the previous session. In place of the fearless, trenchant paper in which he had attempted to call the attention of the lawmaking body to the danger of which the Charleston Grand Jury still firmly spoke, his pessimistic utterances were mournful and hopeless in the extreme. How much the animadversions of his fellow-citizens upon his clemency as Governor, how much the realization of the implication of his own house servant in the conspiracy had affected him, may not be known; but he seemed at the critical moment to have abandoned the fight. Paying a high tribute to the mercifully inclined, but resolute, young Attorney-General and other officers, he confined all his suggestions to matters concerning the free colored persons of Charleston, with regard to whom he declared that their rapid increase had been the subject of serious reflection and great anxiety to him, and that he conceived this to be due to the laws of contiguous States, which thus disburdened themselves of that portion of their population upon South Carolina, and, oblivious of the declaration, published by apparently trustworthy investigators, that in the decade from 1812 the blacks had increased in South Carolina in the proportion of three to one white, and must be bringing in, with such increase, a perfect flood of vice

[1] *City Gazette*, Oct. 15, 1822. [2] *Courier*, Dec. 25, 1822.

and ignorance, he throws up the sponge with the declaration: "Slavery abstractly considered would perhaps lead every mind to the same conclusion; but the period has long since passed by, when a correction might have been applied. The treasures of learning, the gifts of ingenuity and the stores of experience have been exhausted in the fruitless search for a practical remedy. The institution is established — the evil is entailed and we can now do no more than steadily to pursue that course indicated by stern necessity and not less imperious policy." [1] This was a most unfortunate tone for the Governor to assume, as the subsequent vote, above related, disclosed.

A study of this vote reveals some interesting facts. The one South Carolinian who had voted for the Baldwin bill in 1820, and who had failed to return to Congress, voted against this bill in the South Carolina Legislature for the prohibition of "the introduction of slaves into the State for sale, barter or exchange"; but what is surprising, so wise a judge as John Belton O'Neall later proved himself to be, was one of those who were incapable of seeing the injury this great negro population was inevitably working for the State.[2] But that some were wise enough to see it, General Thomas Pinckney's paper shows; while the vote of the bulk, if not of the entire Charleston delegation,[3] indicated the effect of his opinion and that of the Grand Jury of the District. To understand thoroughly this negro question, it is necessary to divest our minds of the ideas which have become prevalent with the mere passing out of recollection of historical facts and the absolutely unreliable assumptions of many writers, who have judged the past by the opinions of their own day.

The impression has been produced that the attitude of the Northern majority in Congress in 1819, on the Missouri bill, was one defensive of the negro, and commiserative of the slave. Doubt-

[1] *Ibid.*, Dec. 11, 1822. [2] *Ibid.*, Dec. 25, 1822. [3] *Ibid.*

less it was, to some extent; but to continue to believe that it was entirely so, is to fly in the face of facts. The extraordinary report of the Massachusetts legislative committee on the free colored persons of that commonwealth has been before mentioned. That report was made in 1821; but it must not be taken as representing simply the objection of one State to this class, for, at the end of 1822, mention is made of the fact that the State of Ohio had just enacted a law that no black or mulatto person should be permitted to give testimony in any case where a white person was concerned,[1] and yet we remember that the entire court in South Carolina in 1807, in the case of State *vs.* McDowell, decided the contrary; so that it is apparent that it was not, entirely, objection to the slave owner moving in with his slave and extending the territory, where the institution should be; but it was also a positive, definite, admitted objection to the negro's presence, whether bond or free, that influenced the representatives from the Northern and Western States, just as it influences them to-day to keep the negroes confined to the South.

[1] *Courier*, Nov. 27, 1822.

CHAPTER XIII

HAYNE'S ELECTION TO THE UNITED STATES SENATE

For their faithful services the two slaves George and Peter were emancipated at a cost of $1000 each, paid to their owners, and in addition it was provided that both should receive $50 per annum for life. Pencil, the free colored man, received $1000 [1] and the remission of all taxation for life. Gell, whose confession, as it proceeded, disclosed the fact that he was one of the most vicious, was, nevertheless, in good faith, pardoned, and thus the insurrection passed out of mind, and the contest for the seat in the United States Senate held by Senator William Smith absorbed public attention in South Carolina.

This remarkable man was then, in all probability, in his fifty-ninth year. Born in North Carolina, he had moved to South Carolina and settled in York District in his youth. He was educated in part by Mr. Alexander, a Presbyterian minister residing at a place in South Carolina called then Bullock's Creek, and Andrew Jackson and William H. Crawford were both said to have been his schoolmates.[2] In early life, a hard drinker, the patient devotion of his wife induced him to abandon the habit altogether, and he prospered, from that time, until his death. A member of the Legislature and president of the State Senate in 1806, he was in 1808 raised to the bench and eight years later elected to the United States Senate, where he had succeeded John Taylor, elected in 1810, when old General Sumter had resigned.

[1] *City Gazette*, Dec. 25, 1822. [2] O'Neall, "Bench & Bar," Vol. 1, p. 106.

Senator Smith was not in accord with the views and policies of Lowndes and Calhoun; but he was a man of great ability and force of character, a fair, fierce, fearless fighter, who knew not what the word "compromise" meant, and a firm believer in the strife of factions, by which he thought the people's rights were best preserved. Being, like Sumtér, an extreme State Rights partisan, he inclined to Crawford, and doubtless shared to some extent or sympathized with that "temper exhibited by so many members of the House of Representatives, to prostrate the whole of our establishments,"[1] which Calhoun had a year or so previously alluded to in a letter to Poinsett, urging him to be promptly in his seat, accordingly. In this year, 1822, Calhoun threw his influence decisively against Smith and for Hayne, and doubtless secured the latter's election by the handsome vote he received. Whether Hayne could have been elected without Calhoun's assistance is as much a question as whether, with any other candidate, Smith could have been beaten. Had Langdon Cheves been a resident of South Carolina at the time, he possibly could have successfully opposed Smith; but he had been a non-resident for three years and more.

Under date of July 1, 1822, Calhoun writes to John Ewing Calhoun, urging him not to decline an election to the Legislature, pressing on him the importance of attending and declaring that "it will take all the good sense and moderation which can be brought forward to prevent the State from being distracted." Continuing, he writes: "I am glad to see a disposition to leave Smith at home. I do not think he fairly represents the State. He is narrow minded, and, I believe, wedded to the Georgia politicians. If reëlected, I doubt not that he will come out openly, which would do much mischief. Hayne is the man that ought to be elected. He has talents and eloquence, and will honor the State. It would

[1] "Calhoun's Correspondence," p. 190.

be imprudent, however, to utter these sentiments as coming from me." [1]

If the Presidential succession had not aroused much political excitement in the spring, by the fall it was bubbling, and the adherents of the various candidates were commencing to pass those comments on rivals of their favorites in which acerbity usurps the place of wit. To an unfortunate inquiry by a Crawford paper with regard to what kind of an administration "Mr. Calhoun, if elected (of which there is little danger), would give, whether Federal, Republican or mongrel?" [2] the *City Gazette* tartly replies, with an allusion to Secretary Crawford's proposal for miscegenation between whites and Indians, and refers its contemporary to the Indian squaws as authority on mongrelization. Up to this time Crawford appeared to be the strongest of the numerous candidates, seven or eight of whom were before the public, and upon South Carolina's attitude concerning the Presidency, the senatorial struggle, to some extent, turned. "The temper exhibited by so many of the members of the House of Representatives to prostrate the whole of our establishments," to which Calhoun alluded, was evidently the Crawford programme. Early in November the two candidates for the Senate must have been named, and soon after, a writer of great ability, H. L. Pinckney, under the name of "Republican," deftly knits Hayne's candidacy to the State's opposition to Crawford's Presidential aspirations. He foresees even then the necessity which will arise for the interposition of Congress in 1824 with regard to the election, although he makes a slip in asserting "that the person who will be chosen to the Senate will have a vote." [3] Passing on to a review of the Presidential candidates, he observes: "Of these Jackson, Calhoun and Lowndes are indebted to Carolina for their existence . . . that the military career of Jackson is beyond any parallel our country

[1] *Ibid.*, p. 204. [2] *City Gazette*, Oct. 19, 1822. [3] *Ibid.*, Nov. 12, 1822.

can offer; that the profound mind, unwearied industry and conciliatory temper of Mr. Lowndes are felt and acknowledged by all; while the ardent and unbending genius, lofty oratory, comprehensive vision, practical wisdom and firm nerve of Mr. Calhoun place him upon ground eminently conspicuous, even among these so eminently high themselves." But for Crawford, the writer has no praise whatsoever, and questions his claim to any, promising the public that he intends to subject it to a rigid investigation. An intimation that Hayne is favorable to Calhoun, together with the mistake before alluded to, brings a card from Hayne, beyond doubt, although such is only signed "H."[1] Lowndes had died at sea, but the fact was not yet known, although it must have been very gravely doubted whether he would ever survive the election, still two years distant. The card agrees in general with the writer "Republican" as to the qualities and pretensions of the Presidential candidates, but gives it as his opinion that the senator to be elected will not have any vote in the Presidential election by Congress, the House of Representatives being alone authorized by the Constitution to make the choice. The writer states, however, that he does not wish to be understood as expressing any opinion for or against either of the senatorial candidates, much less any decided opinion upon the general question of the Presidential election. Two days later, in the columns of the *Courier* (the Federal paper), appears: "To the members of the Legislature: In our national assembly, Carolina has always been well represented. She has commanded the services of the most enlightened statesmen in our country, and she claims the proud and enviable distinction of ranking among her sons a Lowndes, a Cheves and a Calhoun. It was at a most critical period in our affairs that the abilities of such men were called into requisition, and it remains to be determined whether, under existing circumstances requiring

[1] *City Gazette*, Nov. 13, 1822.

corresponding talents, she will continue to sustain that elevated rank in the Union to which they have exalted her. That period has arrived — a narrow-minded policy under the assumed character of economy will be endeavored to be fastened on the nation. It is to be based on the ruins of the present administration; and to advance the views of some few artful and intriguing men, a radical change is to be effected. Under this view of things it becomes necessary that the friends of the present administration be on the alert to prevent schemes so hostile to the welfare and prosperity of the Union. This is to be done by selecting as our representatives in Congress individuals whose sentiments are known to be favorable to that enlarged and liberal view of things which it is the policy of our government to pursue. The happy period, it was believed, had arrived when party spirit and political animosity were alike merged in the public good; but it would seem to be otherwise, and it remains to be decided whether the system pursued by the present administration shall receive the support of the Union or not. To the State the inquiry is important; and to those through whom the expression of her sentiments is made it is proposed to submit candidly and dispassionately the claims to their support of one of the candidates for a seat in Congress. It is not intended to detract in the smallest degree from the merits of the present incumbent, his services are properly appreciated, and, should the choice of the Legislature fall upon his opponent, Colonel Hayne, he will at least be solaced by the reflection that it could not have fallen upon a better man." [1] "It is not the least of Colonel Hayne's merits," declares another correspondent in the same paper, "that he is a practical man and to an uncommon share of good sense unites talents of the first order. At an early period in life he commenced his professional career and, tho but a youth and in the enjoyment of few or no advantages of education,

[1] *Courier*, Nov. 15, 1822.

soon rose to such an eminence as to astonish his superiors in attainments, and at once displayed the strength of his mind and the vast powers of his understanding. Nothing seemed beyond the grasp of his intellect. . . . At an age when the faculties of most men are just ripening into maturity, he presided in our representative chamber and with a firmness and manliness comportable with the dignity of his situation, which gave at once a character to the station." [1] Meanwhile "Constituent" and "Missouri" in the *Gazette* were battling rather ineffectually for Senator Smith, endeavoring to separate the senatorial from the Presidential canvass; but that brilliant controversialist, Pinckney, realized the advantage he had in uniting them, and just prior to the convening of the Legislature he discharged a broadside at Smith. "Mr. Smith," he declares, "is an avowed supporter of Mr. Crawford, Mr. Hayne decidedly friendly to the cause of Mr. Calhoun." Then taking up for consideration the claims advanced for the Senator in the Missouri debate, he turns them with great skill to his purpose. "We do not dispute," says he, "the honesty and integrity of Mr. Smith nor the zeal and firmness of his conduct; but what was the character of Mr. Smith's speech? Did it soften prejudice? Did it gain friends? Did it restrain the animosity of the violent or induce the undecided to advocate our cause? On the contrary, was it not the very opposite in tone and temper to what true policy required? Was it not harsh, overbearing and vindictive? Was it not filled with invective and retort? Did it not confirm our opponents in their opposition and exasperate the pride even of those whose moderation inclined them to join us? Did it not really and truly injure the cause which it was delivered to support? Had all the speeches on the Missouri question taken the tone and character of Mr. Smith's, what would have been the consequence? Would Missouri have been admitted on any terms? Would not the

[1] *Courier*, Nov. 18, 1822.

halls of Congress have been literally converted into a great arena of political gladiators and the fabric of our Union shaken to its centre? It most unquestionably would. Opposition would have been confirmed, pride exasperated, sectional jealousy inflamed, personal dignity mortified, every bad feeling and hostile principle aroused and our opponents, rather than yield under the circumstances, we have supposed, would have thrown the brand upon the funeral pile of our empire. . . . To the able arguments and conciliatory conduct of Mr. Clay and Mr. Lowndes we owe the fortunate result. . . . But even admitting his speech to be correct, how is his vote to be accounted for? He voted against the admission. Rather than yield to the only measure by which the Union could be maintained, he would risk the horrors and miseries of separation. It is not necessary to enlarge upon this topic. Our Confederacy is founded upon compromise, and in a great empire like ours, where there are so many sectional jealousies to be appeased and conflicting interests to be reconciled, he can never be regarded as a safe politician who will oppose his own personal feelings and private opinions to the great interests and essential salvation of his country. But give Mr. Smith full credit for his conduct, Colonel Hayne would have acted much more in accordance with the view and feeling of our State. . . . Mr. Smith is cold, phlegmatic and uninteresting. His only attraction consists in sarcasm, which, while it excites attention, inflames animosity. How clearly the reverse of all this is true with regard to Colonel Hayne, none need be informed who have ever had the pleasure to witness his conduct in the Legislature or hear his speeches at the bar." [1] "Constituent" and "Missouri" made a feeble effort to stem this torrent of rhetoric, with the declaration that Jefferson was no speaker; but the Legislature by a vote of 91 to 74 elected Robert Y. Hayne, in place of William Smith, senator.[2] To the supporters of Mr. Craw-

[1] *City Gazette*, Nov. 23, 1822.

[2] *Courier*, Dec. 5, 1822.

ford this looked ominous; it was characterized as the control of the State by Calhoun, and the prophecy was made that he would withdraw and throw the vote of the State for Adams or Clay. If it had been anticipated that this would be contradicted, those making it were disappointed, for the paper most friendly to Calhoun, the *City Gazette,* in a series of articles, defended such a course, should it become necessary, asserting that had Senator Smith openly and unreservedly advocated the election of Mr. Crawford, he would not have received twenty votes, and that "neither Colonel Hayne nor any other man could have defeated Judge Smith but for the imputation, the taint, the contact of Radical principles to which the Judge in some fatal moment had opened his bosom." In the course of the same article in admitting a preference for Clay over Crawford, the editor paid a beautiful tribute to Lowndes, although probably as yet ignorant of his death. "Clay," he said, "had joined his eloquence and his influence to the powerful mind of William Lowndes (which, like the Pacific, knows no storms) and succeeded in calming public feeling on the great Missouri question." [1] A little later still, when the intelligence of Lowndes's death could have reached America, a touchingly spontaneous tribute appeared to the dead statesman in the letter of a Washington correspondent, "At every step we feel the loss of the comprehensive mind, the great experience and amiable temper of William Lowndes." [2] In the following year one of two new steamboats, built in the space of six months in Charleston, bearing "evidence of the degree of perfection to which the useful arts had arrived in that city," as the *City Gazette* expressed it,[3] made her trial trip under his name. But even with the death of Lowndes the Presidential canvass of Mr. Calhoun did not seem to be making much progress. Indeed, the *Richmond Enquirer*, under date of Oct. 3, 1823, declared that Tennessee would

[1] *City Gazette*, Dec. 24, 1822. [2] *Ibid.*, Dec. 30, 1822.
[3] *Ibid.*, Nov. 5, 1823.

elect Jackson by acclamation, and that she "ranked Pennsylvania and South Carolina, his native State, under his banner," with how many others it was not known.[1] In the session of 1823, however, the friends of Calhoun exerted themselves, and at a caucus of the South Carolina Legislature, H. L. Pinckney moved his indorsement for the Presidency, which, it was claimed, was carried by a vote of all but seven or eight.[2] A little later, however, a writer signing himself "Sumpter," while admitting that the majority of the caucus was for Calhoun, says that it was more noisy than overwhelming, that the actual vote was not taken by count, but by acclamation, and in his opinion fifteen or twenty voted against the nomination.[3] Some other dissatisfied individuals asserted that if left to the people of the State, Jackson would have been preferred, all of which simply indicated feeling against Calhoun to a limited extent, and failed to affect the fact that in the constitutional manner and form the State had declared him to be her choice.

Two letters from Hayne about this period throw some light upon contemporaneous events; but a still earlier letter to Calhoun had shown with what earnestness Hayne threw himself into anything he undertook. In March, 1823, he had written the Secretary of War in behalf of the petition of poor old Mr. George Petrie, "a lieutenant in the army during the war of the Revolution," to be restored to the pension list. He argues the case for the old man, as if millions were involved, going over the ground with a thoroughness that leaves nothing unsaid and arms every active sympathy for his cause, closing with a personal appeal at the end of a lengthy epistle, and literally pouring his whole soul into the plea, for the old broken-down soldier. It was a little matter to the great world, but everything to you, old Petrie, "for want of such a friend to stand between captivity and thee."

[1] *Richmond Enquirer*, Oct. 3; *City Gazette*, Oct. 9, 1823.
[2] *City Gazette*, Dec. 2, 1823. [3] *Ibid.*, Jan. 3, 1824.

The first of the two letters to Mr. Cheves is from Baltimore, dated November 20, 1823, and after some personal matters he writes: "I had the pleasure to-day to hear Mr. Wirt conclude the argument before the Circuit Court of the U. S. on the defence set up by the securities of McCullough against the demand of the Bank of the U. S. You perhaps know that the defence is that the Bank were forced to disclose all that they knew of the character, conduct and solvency of McCullough, and this defence has been supported, it is said, by a learning and ingenuity seldom equalled. Mr. Wirt, however, in one of the most admirable arguments I have ever heard, appeared to me to make the matter too clear to admit of any rational doubts — he did not leave his adversaries an inch of ground to stand on. The court intimated their opinion to be decidedly with him, but I do not know whether the case is at the present stage to be submitted to the jury, or an appeal is to be taken on the points of law. In any event, I think the Bank must be very safe, and such is the general opinion." [1]

The second letter is from Washington eight days later, and after commenting on the coincidence of the two being at Baltimore at the same time without knowing it, he alludes to politics: "The Members are flocking in very rapidly & by Monday I expect both houses will be full. The election for Speaker will excite great interest. Mr. Clay, should he be a candidate, will certainly succeed, but it is positively asserted that his health will not permit him to offer. If so, the contest will be between Mr. Taylor and Mr. Barbour, & I think there is very little doubt of the success of the former by a handsome majority. The late Speaker is accused of devotion to Mr. Crawford & a nomination of all the Committees with a view to embarrass the government. It is certain that his appointments were very unfortunate, if not unjust. It appears that friends of Jackson & Adams have taken their stand against

[1] Original in possession of Langdon Cheves, Esq.

a Caucus — Clay's friends, it is said, will do the same. If so, Mr. Calhoun's friends will not find it necessary to choose — since they cannot of course unite in Caucus with the exclusive friends of Mr. Crawford. For my own part I have always considered the practice so objectionable in principle that I shall rejoice to see it put down everywhere — I am informed that the Treasury is rich — a balance in hand of perhaps nine millions — It seems that our finances will flourish in the hands of the Secretary in spite of all his wishes to depress them." [1] Which conclusion we must admit it takes some prejudice against Crawford to incline one to so readily; but it undoubtedly confirms the view which has been maintained, that there was up to this time no such thing as sectionalism in the State of South Carolina; for the leader of the Northerners in the Missouri debate was preferred to a Southern Crawford adherent, apparently because it was thought the policies of Crawford might endanger the Union.

Clay's defeat of Barbour was overwhelming, 139 to 42,[2] and he immediately pressed upon Congress the first of those succeeding tariff bills which, in four years, with their ever increasing pillage, effectually weaned the South of its patriotic impulses.

[1] *Ibid.*

[2] *City Gazette*, Dec. 9, 1823.

WILLIAM SMITH.

BOOK II

THE APPEAL TO REASON

CHAPTER I

HAYNE'S ENTRANCE INTO THE UNITED STATES SENATE. HIS PORTRAIT BY BENTON. HIS INFLUENCE FROM THE OUTSET

HAYNE had just attained his thirty-second year upon his entrance into the United States Senate, of which his colleague, Senator Gaillard, had been elected the President over Senator Barbour; the two Barbour brothers being defeated, each in the house he was a member of; and the fact that they both should have aspired to the distinction of presiding over the deliberations of the body each was accredited to, in the same year, certainly indicates no lack of self-esteem. By Senator Gaillard, Hayne was placed on the committee of Accounts and on the committee of the Navy.[1] Senator Benton, whose first term began at the same time, has left a description of Hayne more in accord with the painting by Morse, possibly executed two or three years earlier, than with the drawing of Longacre, made some six or seven years later, by which he has been generally represented.

"Nature had lavished upon him," says Benton, "all the gifts which lead to eminence in public, and to happiness in private life. Beginning with the person and manners, — minor advantages, but never to be overlooked when possessed, — he was entirely fortunate in the accessorial advantages. His person was of the middle size,

[1] *City Gazette*, Dec. 18, 1823.

slightly above it in height, well proportioned, flexible and graceful. His face was fine — the features manly, well formed, expressive, bordering on the handsome; a countenance ordinarily thoughtful and serious, but readily lighting up, when accosted, with an expression of kindness, intelligence, cheerfulness and an inviting amiability. His face was then the reflex of his head and his heart and ready for the artist who could seize the moment to paint to the life. His manners were easy, cordial, unaffected, affable, and his address so winning that the fascinated stranger was taken captive at the first salutation. These personal qualities were backed by those of the mind — all solid, brilliant, practical and utilitarian and always employed on useful objects, pursued from high motives and by fair and open means. His judgment was good and he exercised it in the serious consideration of whatever business he was engaged upon, with an honest desire to do what was right, and a laudable ambition to achieve an honorable fame. He had a copious and ready elocution flowing at will in a strong and steady current and rich in the material which constitutes argument. His talents were various and shown in different walks of life not often united: eminent as a lawyer, distinguished as a senator: a writer as well as a speaker: and good at the council table. All these advantages were enforced by exemplary morals, and improved by habits of study, moderation, temperance, self-control and addiction to business. There was nothing holiday or empty about him — no lying in to be delivered of a speech of phrases. Practical was the turn of his mind, industry an attribute of his nature; labor an inherent impulsion and a habit; and during his ten years of senatorial service his name was incessantly connected with the business of the Senate. He was ready for all work — speaking, writing, consulting — in the committee room as well as in the chamber; drawing bills and reports in private as well as shining in the public debate, and ready for the social intercourse of the

evening when the labors of the day were over. A desire to do service to the country, and to earn just fame for himself by working at useful objects, brought all these high qualities into constant, active and brilliant requisition. To do good by fair means was the labor of his senatorial life; and I can truly say that in the ten years of close association with him, I never saw him actuated by a sinister motive, a selfish calculation or an unbecoming aspiration. . . . Of all the young generation of statesmen coming on I considered him the safest, the most like William Lowndes and the best entitled to a future eminent lead." [1] Such was Hayne's portrait at the hands of a friend; but such also was the estimate of the press, in 1839, on the occasion of his death.

He had scarcely entered upon the discharge of his duties before he gave evidence of that ability to discern difficulties before their arrival which he had displayed in the South Carolina Legislature five years previous, in his opposition to the bill, repealing the prohibition of the importation of negroes from other States and Territories, without special permission of that body. On December the 11th he gave notice that on the following Monday he would ask leave to introduce a resolution, proposing to the Legislatures of the several States an amendment of the Constitution of the United States preventing the election of the President and Vice-President from devolving in any event on the House of Representatives [2] and on that date he briefly addressed the body in support of his suggestion, which seemed to precipitate discussion, but does not seem to have resulted in a vote. In the latter part of January he introduced a resolution that "the committee on Naval Affairs be instructed to inquire into the expediency of establishing a navy yard at Charleston, South Carolina, for the building and repairing of sloops of war and other vessels of an inferior class;" [3]

[1] Benton, "Thirty Years' View," Vol. 2, p. 186.

[2] *City Gazette*, Dec. 20, 1823.

[3] *Ibid.*, Jan. 21, 1824.

which was read and agreed to. Being a member of the committee on Naval Affairs, he deemed it his duty to support that committee's report, accomplishing the task with most engaging modesty, declaring that, after the introductory speech of Mr. Barbour, he could not expect to partake largely in the honor of victory; but as a member who had advocated it in committee and cordially approved of its recommendations, he could not fail to feel his share of the mortification from a defeat. In its behalf, accordingly, he good-naturedly rallied Mr. Chandler of Maine, who, he said, "had endeavored to give our little fleet a shot between wind and water" and "had attacked the recommendations with satire, in skilful hands sometimes a better weapon than argument." Then turning to the arguments against spending the money in the Treasury, declared it his opinion that "if wisely spent, it was better disposed of than if hoarded in the Treasury; for if it was not to be used for the public benefit, it had much better be in the pockets of the people." [1] Throughout the session, although the majority were opposed to his views on the most important subject which came before it, viz., the increase of duties in behalf of special interests, in spite of the fact that in refusing to attend the Republican caucus, justified by him openly over his signature (he had in the opinion of some of the members of his own party exposed the country to a risk which he was informed his youth prevented him from appreciating), his influence was nevertheless marked. His speech in justification of his action in not attending the caucus was strong, and the argument that members of Congress, in Congress, using its hall, etc., could not divest themselves of their official position and claim that they were acting in a private capacity any more than could the President, were he to name his successor, not easily met. Again, the form in which the resolutions, concerning Lafayette, came from the House, not seeming to him appropriate, he

[1] Abridgment of the Debates of Congress, Vol. 7, 1821–1824.

moved their reference to a select committee, and although opposed by such a veteran as King of New York, it was after debate so ordered, and he was made the chairman of such select committee. On the bill to abolish imprisonment for debt, he first carried through an amendment upon an amendment by Van Buren, and then, speaking at considerable length, in opposition to the cumbrous principles of the bill, in answer to the arguments of Senators Johnson of Kentucky and Barbour of Virginia, moved in conclusion the commitment of the bill to the committee on Judiciary, with instructions "to inquire into the expediency of providing by law for the release of all persons who may be arrested for debt by virtue of any process issued from the State courts or courts of the United States, when such persons shall render on oath a schedule of all their property and execute an assignment thereof for the benefit of their creditors; and that the committee do further inquire how far it may be expedient to provide by law for the release of such debtors from further liability, making at the same time suitable provision for the prevention and punishment of fraud and concealment," which motion, in spite of the opposition of Taylor of Virginia, and Holmes of Maine, who declared it was, in effect, the establishment, or looking to the establishment, of a system of bankruptcy, with but slight amendment, was carried by a vote of 18 to 17.[2] In opposition to Van Buren, on the other hand, his view that the members of the Supreme Court should continue to sit on circuit prevailed, although in that case he was not the original opposer to the bill of the chairman of the Judiciary Committee; yet his reason is of interest, *i.e.* that the members of the highest court in the land should be brought into contact with all sections of the country.

But it was upon the tariff that he most distinctly made himself felt, and placed himself in the position of leadership, which he held with-

[1] *City Gazette*, Feb. 3, 1824.

[2] *Ibid.*, April 14, 1824.

out question among its friends and opponents for the eight years he continued to be a member of that august body — eight years in which he pressed with splendid but unavailing eloquence that patriotic appeal to reason, which fell on such deaf ears. Pressed it, with even greater urgency, as he felt the ties which had bound the Union together in such close sympathy melting in the rising flame of sectional heat. Pressed it in his last supreme effort upon the great father of the American system, only to be answered with a grandiloquent threat, just prior to the passage of the ordinance of nullification by South Carolina. Pressed it, and departed from the Senate, at the call of his State, only to realize that the great Clay, who could not yield to an argument which involved the appeal to reason, did promptly yield to one embracing an appeal to force.

In the House of Representatives, in that year of 1824, Clay and Webster had striven for the mastery over the tariff, and Clay had won; for by a vote of 105 to 102 the bill had passed to be engrossed for a third reading, and, about the middle of April, passed up to the Senate. In the Senate, Hayne was the leading antagonist and, in the opinion of Judge O'Neall, he fairly competed with Webster on that question.[1] A thorough examination of all available accounts will show this to be no exaggeration. Of course, both were ably seconded, Webster notably by McDuffie and Hayne by Macon and Lloyd; but these two in their respective spheres were the leading opponents to the bill.[2] No panegyric ever passed on Webster's effort equals in grace and forceful simplicity that be-

[1] O'Neall, "Bench & Bar," Vol. 2, p. 14.

[2] "The debates upon the tariff in the House of Representatives in February, March and April and in the Senate in April, 1824, were admirable presentations of the subject. Webster in the House and Hayne in the Senate put the free trade side . . . Hayne made the really eloquent and masterly speech for which he ought to stand in the front rank of orators and which summed up as well for free traders now as then the most telling arguments against artificial restrictions." — "Martin Van Buren," by Edward M. Shepard (American Statesmen), pp. 85–86.

stowed upon it by Hayne, although it was used to discredit Webster's change of heart in 1828; yet we find scarcely any mention in history of the fact that, in the Senate, the fight led by Hayne was as vigorous and failed of success by pretty nearly the same margin; although it must be admitted, in fairness, that the composition of the House possibly gave to Webster the harder task.

Still it is strange that Webster's effort is known in every quarter of our country; while so little is known of that of Hayne that as fair and careful a historian as Henry William Elson declares that "Hayne would scarcely be known to our national history but for the fact that he drew from the greatest of American orators the greatest oration of his life." [1] It must be acknowledged that the education of such, conducted upon the floor of the Senate, is no light claim to distinction; but had Mr. Elson once perused the speech made by Hayne in 1824, or been acquainted with the incessant raids by which he cut into the tariff bill by continual amendments that session, he must have enlarged somewhat his estimate of the man. The abridged debates of Congress give but little idea of the extent and cogency, the luminous character, the thorough knowledge of the subject in hand and the splendid, equable temper which marked Hayne's discussion of the bill; but the abridged debates do show that the conclusion of the speech brought Senator Dickerson, who was in charge of the bill in the Senate, instantly to his feet in an effort to counteract its effect, opening with a compliment to Hayne's legal knowledge and an assertion of his ignorance of manufactures, followed by not the smallest demonstration of the latter. Benton, in 1854, writes, "If the Hayne of 1824 and 1832 was now alive, I think his practical and utilitarian mind would be seeking a proper remedy for the real grievance now so much greater than ever." [2] To which might

[1] "History of the United States," Vol. 3, p. 113.
[2] Benton, "Thirty Years' View," Vol. 2, p. 188.

well be added, if the Benton of 1824 had only been then thoroughly alive to the growing evil to which the tariff of that year was destined to give birth and had but carried one other vote with him, the bill might have shared the fate of the Baldwin bill of 1820. But Benton's vote helped the bill achieve its close victory. While the bill passed by a vote of 25 to 22, and effort after effort to amend was met by this solid phalanx, yet with his determined and repeated assaults Hayne did wring some concessions. He drew over two of its supporters to his amendment, reducing the duty on blankets, which was carried by 24 to 23.[1] But he accomplished a feat more remarkable than this, and one that deserves to be remembered by all lovers of books. It seems extraordinary that with such a provision, as he criticised, the bill should have passed the House and survived the assault one would suppose Webster would have made upon it; but that it should have been seriously defended in the Senate seems even more strange; defended, however, it was, and that vigorously, by votes if not by argument. On this point, Hayne drew six votes in support of his amendment, and carried it by a majority of three. The amendment was to strike out the duty of $37\frac{1}{2}$ cents per pound on books when bound, and 33 per cent per pound on books when in boards or sheets, and to insert a duty of — per cent ad valorem in lieu thereof. Hayne stated that in making this motion his object was, in the first place, to get rid of this singular duty on books by the pound, and, in the second place, to substitute a very moderate duty (one not exceeding the then existing duty of 15 per cent) in lieu of the proposed duty, which he considered as equal to 40 per cent at least. He contended that the duty on books ought to be such as to encourage the importation of foreign books in general use. It was well known, he urged, that the American book-seller could not only enter into competition with books printed abroad, but had almost excluded them from the market;

[1] *City Gazette*, May 14, 1824.

but there was a class of books, he argued, not generally read, though very important to professional and scientific men, which were not generally published in this country. No obstacles should be interposed to prevent the introduction of such books. He stated that he considered books as raw material essential to the formation of the mind, the morals and the character of the people, which should be introduced free of duty. He also strongly objected to duty on books by the pound. "The value of a book," he asserted with grave but delicate sarcasm, "did not depend on its weight, and he compared the method of estimating books to that mentioned in Knickerbocker's 'History of New York,' where the Dutch Governor settled mercantile transactions by weighing the merchant's books of account in scales." [1] Dickerson's protests were unavailing, and even in the House, where the amendment in its entirety failed to successfully run the gantlet, books printed in Greek did, the supporters of the bill shrinking from the hopeless attempt of fostering by any amount of duty the manufacture of Greek books in sufficient bulk to pay. The open-hearted brigandage of the bill was, however, placidly announced by Martindale in the House, with the bland declaration: "If they (the South) would avoid the increased duty, let them buy of us. We will soon sell to them as cheaply as England." Eighty-three years have passed, colossal fortunes have been amassed and that promised condition has not yet arrived.

But now should be taken up Hayne's main argument against the passage of the bill into law.

[1] *Ibid.*, May 17, 1824.

CHAPTER II

HAYNE'S GREAT SPEECH AGAINST THE TARIFF OF 1824

In his opening the young Senator thus addressed the body with which he had only been connected some four or five months: "I rise to address you, Mr. President, under a greater weight of responsibility than I have ever before experienced. Being under a solemn conviction that the system recommended by this bill (should it become the settled policy of the country) is calculated to create jealousies, — to banish all common sympathy among the people and array particular States and certain peculiar interests in deadly hostility towards each other, — I cannot but consider the final triumph of such a policy as destined to put in jeopardy the peace and harmony of the whole Union." Following this line he prophesies successive acts continually engaging the attention of Congress "in settling the conflicting claims of interested monopolists and attempting to measure out to the several States and the various employments of labor and capital an equal proportion of protection and encouragement." Then, alluding to the dangers to which the South, in his judgment, will be exposed, he modestly declares: "The question has been discussed by some of the ablest men our country has produced, and almost all the arguments which belong to it have been already urged in a manner the most forcible and in language the most persuasive. I did hope, Sir, that every shadow of doubt, which the influence of preconceived opinions or the suggestions of interest had thrown around the subject, would have been dispelled by the extensive and profound learning — the brilliant wit — and the delightful and almost resistless eloquence

with which it has been treated by my friends." Some effort, however, he realizes, is expected from him, and, "as in the course of the debate on this floor, exploded doctrines and arguments, a thousand times refuted, have been revived, it is perhaps proper that they should be again answered." He accordingly declares his purpose to ascertain "the true character of the bill — to examine the principles on which it is founded — to consider its objects — and to take a brief view of its probable effects." If this preface be considered too long, attention is directed to what Mr. G. M. Pinckney, in his "Coming Crisis," describes as "Carrier Pigeon Intermezzo," in which he declares that those birds of strongest flight, "when released from confinement" and "rising up into the air," "turn around and around repeatedly before departing for their selected destination." [1] "Apparently," he suggests, "this is necessary for them to ascertain their bearings with certainty." Hayne's preface concluded, however, no further criticism can be directed against delay; for he proceeds to pour upon the bill a flood of light, in an appeal directed almost entirely to the reasoning faculties of his hearers. Stripped of all unnecessary oratorical ornaments, the argument proceeds with compelling force. The bill, he says, is not a revenue measure. "With a surplus in the Treasury of six millions of dollars — at a period when we are anticipating the payment of our debts, with the certain prospect of extinguishing the whole national debt, without any increase of revenue in ten years; it would indeed be idle to talk of the necessity of laying new burthens on the people. I will do my opponents, however, the justice to say, that though that subject has been incidentally mentioned, they have not pretended to defend this as a revenue bill. Indeed, had they proposed to raise money for any national object, or even suggested 'a judicious revision of the tariff,' they would not have found the gentlemen from the South enlisted

[1] G. M. Pinckney, "Coming Crisis," p. 29.

against them. That we are found exerting all our energies against this measure, arises from the fact that it does not originate from a legitimate source and has not a constitutional object; that it is not, in short, a measure intended for revenue, but on the contrary, has been devised by a new school of political 'restrictionists,' who are actively and ardently engaged in the dangerous experiment of promoting by law particular employments of labor and capital. . . . The principle contained in this bill is that the importation of all foreign goods must be prohibited, which we are supposed to be capable of making at home. . . ." "Prohibition," he contended, was the true object of the bill, and after citing declarations from various supporters, he alludes to the disciplining which one of its advocates received at the hands of his colleagues in the House. "In the course of the consideration of the hemp duty, an honorable member from Pennsylvania (Mr. Buchanan) intimated a reluctance to go faster than the growth of our manufactures would warrant, and ventured to express an opinion 'that the Western hemp ought to be brought into fair competition with that of foreigners.' Now, how was this idea of competition received? Why, it brought down upon his head the sharp rebuke of his friends. The Honorable Speaker declared the bill had received an attack from a most unexpected quarter, and Mr. Tod replied, 'if the gentleman voted throughout on that principle (which it must be noted was a fair competition), he must vote against the whole bill.'" After amplifying quotations to show that the principle of the bill was unquestionably prohibition, he addresses himself to a consideration of the act of 1816, "called by the gentlemen on the other side prohibitory and therefore held up as an example." He asserts that it "imposed duties merely sufficient to enable existing establishments to bear up against the pressure of the times"; but expressly provided that the duties should be subsequently diminished. This, he claims, was the policy recommended

by Alexander Hamilton. No matter how modified, he contends that the principle of prohibition, immediate or eventual, is recognized so long as the progressive duties are retained, and he closes this branch of the discussion with a spirited attack on "the American policy of encouraging home industries" until importations and imports shall cease, as "a policy foreign in all its features — confessedly borrowed from Great Britain — Chinese in its character (for it deprives our citizens of the ocean which rolls at their feet) — the policy of kings and tyrants, of restriction and monopoly — at variance with all our institutions — and involving the loss of our ships, our seamen and our navy." Proceeding, he states another objection to the bill to be, that "it assumes that government is capable of regulating industry better than individuals — a position which is wholly untenable. From the very nature of things," he declares, "labor and capital should be permitted to seek their own employment under the guidance entirely of individual prudence and sagacity. Government, from the very elevation of its position, is necessarily incapable of taking that close view of the subject and obtaining that accurate knowledge of details indispensable to a judicious determination of the relative advantages of different pursuits in any community." Then, warming with his theme, he announces: "I will appeal with confidence to the Senate and ask whether the most notorious facts have not been denied or perverted and the most contradictory statements submitted, and whether we are not at this moment left in a profound ignorance not only of the actual rate of profits, but of the true condition of every branch of manufacturing industry? We are not, we cannot therefore know, either the degree of protection wanted or the best means of extending it. . . . Here is said to be a flourishing manufacture (the manufacture of cotton goods, etc.), and therefore it is to be encouraged by excluding the foreign article; here is a languishing establishment (the woollen manufactures), and it must be sustained;

while such as have no existence are to be created—some because they require much skill and large capital, and others because they require neither skill nor capital (hemp and flax, cotton bagging and whiskey). Some branches of industry are to be encouraged because others are overdone; but these must also be protected against foreign competition, threatening to destroy them. There are duties on the manufactured articles and duties on the raw material; and, in short, the whole bill is such a tissue of inconsistencies that the intelligent chairman of the committee does not pretend to know, and has certainly not attempted to explain, either the amount of duties it will impose or the degree of protection it will extend to any branch of industry. In attempting to gratify the wishes of interested individuals we are legislating in the dark, and by wholesale distributing the national funds by a species of State lottery, scattering abroad bounties and premiums of unknown amount; and all this without the rational prospect of producing any effect save that of sowing the seeds of dissension among the people and thereby introducing mischiefs, which may last to the remotest generation. We are literally, Mr. President, opening a Pandora's box of political evils, which when they have gone abroad will not even leave hope at the bottom."

In order to attack the argument with the greater power, Hayne admits that "the system of regulating by law the private pursuits of men, or what amounts to the same thing, passing laws for increasing the profits of certain employments and lessening the profits of others, thereby driving men from the pursuits of their choice to those which the government is pleased to favor," — had been sanctioned by other nations. He deemed it, however, "a part of that system of tyranny and arbitrary rule to which men have been subjected in every age." In a comprehensive review, showing wide reading, he pursues this branch in a vein of gentle satire, rising gradually in pitch and power, in dignity and grandeur,

to a passage in which he apotheosizes the Union in terms of beautiful simplicity, worthy of comparison with any ever fashioned. Passing from a consideration of the doctrine of regulation in England, he points to the fact that in other parts of Europe it is carried still farther, and "a man's religious and political opinions are taken 'in the holy keeping' of those whose only qualification for the task consists in their anxious desire to keep down the aspirations of the immortal mind, and make mere machines of beings, who have been endowed by their Creator with the noblest faculties and for the noblest purposes."

"In the East, however," he avers that the system had been "carried to the greatest perfection, the people divided into castes and every man compelled to pursue the trade of his father; while in China the power of the Emperor is exercised even on the dead." He admits, therefore, that "governments have everywhere and in every age presumed to regulate man in all his pursuits. Everything connected with his existence from the cradle to the grave, nay, beyond the grave: the language he shall speak — the name he shall bear — the food he shall eat — the trade he shall follow — what he shall sow and what he shall reap — his hours of labor and of rest — the place in which he shall dwell — the opinions he shall cherish or express — the books he shall read and the God he shall worship: everything, in short, which belongs to him as a created being is the subject of arbitrary regulation, and man is made a creature without heart or soul or mind, a mere machine obedient to the will of the human artist, who puts it into operation. But, Sir, we were taught to believe that the establishment of our government formed a new era in the history of the world, and that the practical operation of our Constitution was destined to exhibit a splendid example of the perfection to which man would attain when freed from the shackles which had been imposed on him in other countries. We were taught to expect that a government

instituted by the people and administered for their benefit alone, where the human mind would be left without restraint to pursue its own happiness, in its own way, must by its good fruits recommend a free system to all nations. I can well recollect, Sir, that among the first lessons instilled into my mind, that which made the deepest and most lasting impression was to consider the Republican institutions of my country like the air which we breathe, as bestowing life and health and happiness, without our being conscious of the means by which these inestimable gifts are conferred; like the Providence of God, unfelt and unseen, yet dispensing the richest blessings to all the children of men. But these, we are told, are the illusions of the imagination. Man cannot be safely left to mark out his own course; but here, as elsewhere, the various employments of industry and capital must be so artificially arranged and balanced as to produce results to be prescribed by law. We have been further told, Sir, that our beloved country is in a state of such unparalleled suffering that desperate remedies have become necessary to save the people—I presume from 'their worst enemies, themselves.'" Descending again to the level of sober argument and discussing the existing depression, which he admits, but denies can be called "great distress," without exaggeration, he points out clearly that the neutral position of America, during the Napoleonic wars, had been the cause of "the rapid growth and extraordinary prosperity of our country," the cessation of these wars occasioning the temporary depression. "That an increase in wealth beyond all former example and in general prosperity without a parallel should have sprung out of such a state of things, was natural and indeed inevitable. . . . American enterprise, like the lamp of the magician, converted everything it touched into gold; the growth of centuries was attained in a few years, and from youth the nation sprang up at once and attained not only the vigor and strength of manhood, but a giant's stature. It was the necessary consequence of the

state of prosperity, which I have described, that habits of expense should be formed, which nothing but extraordinary profits could support. . . . At the very moment that we were indulging in golden dreams of endless prosperity, the restoration of tranquillity to Europe, and the return of all nations to the arts and pursuits of peace, brought her subjects at once into competition with our merchants and farmers in all those pursuits from which they had reaped such rich rewards. The loss, in a great degree, of the foreign market for our grain and of the carrying trade; the loss, in one word, of our neutral position, produced a change in the condition of the people which could not fail to be severely felt. . . . To pass immediately from wealth to comparative poverty is at all times difficult; but when luxurious indulgences have become fixed, this cannot be successfully accomplished except by men of strong minds and firm resolutions; this nation has been called upon to undergo that change — to give up the luxuries for the conveniences, and in some cases for the necessaries of life — to exchange the ease of unbounded prosperity for the habits of persevering industry and hard labor. . . . The whole of our calamities, Mr. President, may be summed up in a few words, — debts and want of money. Now debts cannot be paid without money, and as we have no mines and cannot manufacture silver and gold, I am at a loss to conceive how we are to obtain money or discharge our debts by cutting off foreign trade."

Having pointed out what he considered the source, he takes up the causes assigned by gentlemen on the other side, in reviewing which the following passage occurs: "If it be said, that particular States have lost a market for their grain and that our exports are principally of cotton, rice and tobacco, I will ask if gentlemen propose to remedy that inconvenience by equalizing the relative advantages of differing portions of the Union? Must the cotton planter pay to the grower of wheat a portion of his profits to equal-

ize their incomes? If so, some portion of the immense sums received by the latter for their grain during the war must be brought into the account; for gentlemen will recollect that when our cotton was lying in our barns for years together, the people of the West were receiving for their flour sometimes as much as $30 or $40 a barrel, and that the manufacturers then possessed a complete monopoly of the home market."

In the consideration of "the encouragement of home industry," he contends that "home industry is as much exerted and American labor and capital in all respects as much employed in obtaining an article from abroad as in making it at home. If," says he, "we can make cloth cheaper at home than we can buy it abroad, we will make it at home; if not, it is to our interest to import it." But this rule he qualifies with this important statement: "I admit, Mr. President, that there are exceptions to the rules I have laid down. I admit that the munitions of war and the articles necessary to national defence should be provided at home, no matter at what expense, on the ground that we should not expose ourselves even to the risk of being left in the event of war without the means of self-protection. Beyond this, all duties should be imposed merely for the purpose of revenue."

This abridgment does but scant justice to this splendid argument, which should be read in its perfect whole to be appreciated at its true worth; but a few more short extracts are added to give some idea of its scope. After a review of the cited "example of England," in which a thorough knowledge of the commercial history of that great nation enabled him to fairly pulverize the arguments of his opponents with incontrovertible documents and governmental reports, he passes on to as fully examine the condition of Holland and draws from such additional arguments for his cause. He denies absolutely any power under the Constitution for the adoption of a system for the avowed purpose of encouraging particular

branches of industry, and maintains with fervor that the regulation and annihilation of commerce are synonymous terms. He declares that the Southern members will take advantage of the first opportunity which presents itself to repeal a system made profitable at their expense, and, piercing "the veil of the future with prophetic ken," warns the Senate that: "This system is in its very nature progressive. Grant what you may now, the manufacturers will never be satisfied; do what you may for them, the advocates of home industry will never be content until every article imported from abroad which comes into competition with anything made at home shall be prohibited — until, in short, foreign commerce shall be entirely cut off. If we go on in our course," he asserts, "the time is at hand when these seats will be filled by the owners of manufacturing establishments, and these will call upon you with one voice for a monopoly of the raw material at their own prices." Protesting against the danger of a too rapid advancement of manufactures, claiming that it is the order of Providence that powers gradually developed shall alone attain permanence and perfection, Hayne closes his memorable effort with a quotation from Washington that "our policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences — consulting the natural course of things — diffusing by gentle means the streams of commerce, but forcing nothing." [1]

[1] Speech of Mr. Hayne against the Tariff Bill, April, 1824, Pamphlets, Charleston Library Society, Vol. 2, Part 3. Charleston: A. E. Miller, 1824.

CHAPTER III

HAYNE'S CONTROVERSY WITH EX-SENATOR SMITH. THE LATTER'S WAR ON CALHOUN. CALHOUN'S ABANDONMENT OF HIS CANVASS FOR THE PRESIDENCY

THE speech just considered is more than a discussion of the tariff; it is illustrative of one of the two schools of thought which, half a century later, the author of "The American Commonwealth" clearly points out, have divided the people of the United States from the formation of the government. There is in it, also, the distinct, if temperate, warning that the South recognizes that she is being exploited, and that, while condemning slavery in the abstract, the North and West have combined to force into their own pockets a portion of the results of slave labor. Not that there is any allusion to slavery, for there is none; but there is reference to the supposed wealth of the South and to the fact that she is regarded as "the India of America, from which the inhabitants of every other region must have a prescriptive right to draw a large portion of their wealth." [1] It is true the speech failed to kill the bill, which passed by a narrow majority; but that the determined fight made by its author with others was productive of results, is evidenced by the assertion in a note appended to the published version that "the bill received no less than thirty-seven amendments in the Senate, nearly all of which tended to render its operation less oppressive and to deprive it of its prohibitory character, although

[1] Speech of Mr. Hayne Pamphlet, Charleston Library Society, Vol. 2, Part 3, Ser. 1.

the principle of progressive duties was retained." Yet one of these amendments must be criticised — one which was carried through by the remarkable vote of 29 to 18,[1] a concession to or genuine sympathy with Southern taste, to say the least unfortunate. Hayne did not move this particular amendment, which was to reduce the duty on frying-pans; but when Branch of North Carolina did, he supported it, and evidently a number of Western senators incontinently deserted the tariff flag and rushed to the rescue of the beloved culinary instrument, thus securing unchecked operation for the destructive force of what has been denominated by a keen-witted Southerner as "the most deadly weapon used in the South."

While the fight was being waged in the Senate, Hayne suddenly found himself exposed to a hot fire from his own State. Judge William Smith had been defeated for reëlection to the United States Senate, but by no means politically killed in South Carolina; there he remained a powerful force.

In the latter part of January, 1824, Mr. Calhoun had considered his prospects for the Presidency good. He was standing "wholly on his own basis." [2] But by March the 3d his hopes were pretty well dashed to the ground through the action of Pennsylvania, which in convention, by a nearly unanimous vote of 125 members, declared for Andrew Jackson as her nominee for President; while by a vote of only 80 she named John C. Calhoun as a candidate for the Vice-Presidency.[3] Pennsylvania was the State to which Calhoun had evidently alluded in 1821 as so far committed to his support as to prevent him from withdrawing when his own State named Lowndes. After the death of Lowndes and the nomination of Calhoun by South Carolina n 1823, the sentiment in Pennsylvania should have been stronger; but the above shows what it

[1] Abridged Debates of Congress, 1821–1824.

[2] "Calhoun's Correspondence," p. 217. [3] *City Gazette*, March 15, 1824.

really amounted to. Whether Smith's fire, which never slackened, contributed to weaken Calhoun's candidacy, is not to be determined, but that he exhibited to a great degree the power of satire when skilfully used as a weapon, is not to be denied. Emboldened by the silence of Calhoun and McDuffie, upon whom he had vented his spleen, about the latter part of March, 1824, he extended the scope of his articles and took in Hayne, using all the resources of his able mind and stinging pen to wound him also. In an article headed "To the Good People of South Carolina," appearing in the *Columbia Telescope* and republished in the press of the State (for it was spicy reading), he declared: "When I had been proscribed by the friends of Mr. Secretary Calhoun and Colonel R. Y. Hayne, because I was opposed to placing Mr. Calhoun at the head of this nation, he being a native of the State of South Carolina, and a loud cry raised in his favor, I considered it a duty I owed to a respectable community whose confidence I had had, as the attack had been violent and acrimonious, to give the reasons why I was opposed to that gentleman." Elaborating these, he speaks of the various letters in which he had set forth his views and, continuing, states that he had transmitted to Messrs. Gales and Seaton a fifth letter, which they had declined to publish in the *National Intelligencer*, declaring that "in (their) our view it passes the line of defence and assumes the character of an attack. Indeed, if we may rely on an article published in the *National Intelligencer*, signed 'South Carolina' and sanctioned by no less than six representatives in Congress from that State, there would appear to be but little doubt of your obtaining admission in almost any paper within your own State, and particularly in that print in which they state the attack on you first appeared." This article the ex-senator thinks "was such an extraordinary interposition for six representatives to make under a mask," that he states he determined to obtain their names, and, as they had been handed in, he apparently had no difficulty, and

he announced them to be Mr. Hayne of the Senate and Messrs. McDuffie, Hamilton, Poinsett, Govan and Carter of the House. "If," declared Judge Smith, "Messrs. Gales and Seaton had said of their own accord they were unwilling to print the letter, I would have acquiesced; but," he continued, "for six representatives to march in a body to a printing-house and stop a publication, having for its object the investigation of the political history of a candidate for the Presidency at a moment when the people were anxious to examine the claims, was such a flagrant outrage" that he could not yield a ready acquiescence. Then, after berating Calhoun and McDuffie, he turned his attention to Hayne, and taking advantage of some rather high-swelling periods of Henry L. Pinckney's advocacy of Hayne for the Senate against the Judge, in which Pinckney had surmised that although Hayne had never been engaged in warfare, none could doubt his readiness to die upon the field of battle, the Judge alludes to the writer as "introducing his brother-in-law (not by that epithet), Colonel Hayne, through the circle of civil offices and then into the field of Mars," and wickedly suggests, in a biting little note, "It is certainly fortunate for Lord Packenham that this gentleman never met him. He would not have been a breakfast spell for him." Judge Smith then explains that he had never said anything against Hayne until the latter had officiously intermeddled with his rights, and under a masked name. Having disposed of Hayne, he goes back again to Calhoun, stating that, although it is said he has withdrawn his name, "as a candidate which" he, Smith, "always knew he would be obliged to do," yet he will continue his investigations, and he accordingly elaborates his objections to Calhoun.[1]

But if Calhoun and McDuffie were prepared to lie quiescent under the charges of the fierce old man, not so Hayne. The latter promptly strung his bow and sent home a shaft which struck

[1] *Columbia Telescope*, March 20, 1824, quoted in *City Gazette*, March 26, 1824.

the object aimed at fair and true, completely silencing the critic. Putting the charge just as Judge Smith had stated it, he declares it an "unwarrantable accusation, no part of which is well founded"; positively denies "that the gentlemen named ever went down, in a body or otherwise; that they stopped or attempted, directly or indirectly, to interfere with the publication," and asserts "that the only foundation for this charge is a letter annexed which they published, addressed to the editors, which does not even intimate a wish to that effect, and which but for the remarks of the editor of the *Intelligencer*, imputing to the State a violation of the freedom of the press, would not have appeared." Sure of his ground, and needing but to state his defence truly, he makes the truth sink deep in the clean-cutting phrase, "It is of little consequence from what source such accounts proceeded; it was for us sufficient to know they were calculated to injure the State and were unsupported by facts." He asserts, he thought then and still thinks, he was under the same obligation to vindicate the character of the State he represented as to defend the reputation of a parent. Then he gives the Judge a touch of gentle criticism in a suggestion with regard to the heading of his attack, viz., that it might have been more appropriate, "From the Good People of South Carolina to the Good People of the United States." Selecting, finally, the weakest point of his adversary's statement, he observes: "There might have been a shadow of excuse for Judge Smith in making his unfounded accusation if the editors had charged us with suppressing his letter; but what are we to think of the allegation, when made in the face of the letter from the editors published in part by Judge Smith himself, in which they expressly put their refusal on the ground that the letter passes the line of defence and assumes the character of attack?" Even the witty allusion to his brother-in-law's eulogistic reference to himself he replies to with a dignity and temperance compelling respect, "I do not believe it can be

necessary for me to reply to accusations founded on the supposition that I am responsible for all the opinions of my friends, and am also bound to disclaim sentiments contained in an anonymous piece I have no recollection of having read." In conclusion, he states that he has "sincerely endeavored to avoid any controversy with Judge Smith, which the respect due his age, the high station he has occupied and his public services could not fail to render painful" to the writer's feelings, and he regrets that the latter seems disposed to force upon him a controversy in which nothing but self-defence could ever induce him (Hayne) to engage.[1]

In this admirable reply there is not one ill-tempered word, and the sting of it is the truth of it. It was addressed to a manly man, and it sufficed.

Judge Smith, however, was having difficult work in canvassing for Crawford. That South Carolina still took an intense pride and interest in the Union, is most clearly evinced by this very opposition to Crawford; for when Calhoun dropped out, Crawford was the only Presidential candidate who represented those policies which the State's representatives declared were of vital force. He was the only candidate who was not a protectionist; for the most that could be said for Jackson and Adams was that neither of them was as pronounced a protectionist as Clay. It was Crawford's extreme State Rights view that the followers of Calhoun thought made him dangerous to the Union.

About what time in the year 1824 Calhoun absolutely abandoned his canvass for the Presidency, it is difficult to state positively. In Houston's "Critical Study of Nullification" appears a letter [2] accepted as genuine and reproduced by Professor Jameson, giving a very interesting defence of his position on State Rights.

[1] *City Gazette*, April 14, 1824.

[2] *Montgomery Daily Advertiser*, March 7, 1893; "Calhoun's Correspondence," p. 221.

This letter is to Congressman Garnett of Virginia, and while avoiding any positive declaration on State Rights is still an argument that no utterance of his can be cited which "could give offence to the most ardent defender"; while, he contends, for any act so considered, his critics must be prepared to also condemn Jefferson, Madison and Monroe. This letter is marked July 3, 1824, and would appear to be in the nature of a Presidential argument to a possible supporter; but by the 8th, after the failure of the Edwards charges, in which he and Adams acted together against Crawford, he signalizes that close action with the former by writing to Joel R. Poinsett, offering him Edwards's place as Minister to Mexico, if he is sure that the Presidential contest would not be affected by his giving up his place as representative, in the consideration of which he is permitted to "consult Hayne or Hamilton or, should it be thought advisable, McDuffie." [1] Prior to these dates, therefore, the committee of Congress must have cleared Crawford in their report, and the author of the charges have resigned and disappeared. Benton declares this episode injured Calhoun, and certainly there was a coldness in certain quarters in his own State otherwise peculiar. A writer under the name of "Sumpter" attacks him in regard to it.[2] Whether this was old General Sumter or not, does not positively appear, but the old General was closely allied to the faction led by Smith, and it would seem presumptuous for the name to be so used by any one else in South Carolina during his lifetime. In an oration delivered by John Phillips of St. Andrew's Parish, where all the worthies of the Revolutionary War were extolled, where a beautiful tribute is paid to Lowndes, where "the captivating eloquence of Hayne, the intellectual display and erudition of McDuffie and the laudable zeal of Hamilton" are all recognized, not one word appears with regard to him whom the State had named for the highest office in the gift of the Republic barely

[1] "Calhoun's Correspondence," p. 224. [2] *City Gazette*, July 1, 1824.

six months before.[1] But more than this, "Cassius," in the *Columbia Telescope*, attacks him, declaring that he "was a distinguished orator in the House of Representatives; but among those who were in the House with him there were several his superiors. Mr. Lowndes and Mr. Cheves from his own State were decidedly so, as were also Mr. Clay, Mr. Pin(c)kney, Mr. Stockton and Mr. Webster; Mr. Grundy, Mr. Oakly, Mr Forsyth, Mr. Grosvenor and Mr. Gaston were generally considered his equals. To be ranked, however, with these gentlemen, implies a high degree of excellence in the art of oratory which Mr. Calhoun certainly possesses." [2] Having accorded him this faint praise, "Cassius" attacks his record as Secretary of War savagely. In far better taste and style, and therefore distinctly more impressive, the statement of Congressman Gist of York District, of his reasons for attending the congressional caucus issued in the spring, was now in the fall reproduced. The admirable tone of this paper; the eminently sensible reason given by the writer for his support of Crawford, whom he but slightly knew, but whom he preferred on account of his political sentiments, opposed as he was to a tariff save for revenue; and the temperate declaration,—"It was generally believed, I might say, there was no doubt Mr. Calhoun could not be elected, as his withdrawal since has proven,—" [3] all these things affected Calhoun's hold on the State. But beyond even the assaults of the deposed senator as a candidate for the Legislature, and as a correspondent of the press, a pamphleteer was making havoc with Calhoun's popularity.

Some time in October, 1824, appeared a pamphlet, entitled "Consolidation, an Account of Parties in the United States from the Convention of 1787 to the Present Period." It could have been more fairly entitled "A Diatribe on Calhoun," for that was what

[1] *Ibid.*, July 19, 1824. [2] *Ibid.*, Aug. 10, 1824.
[3] *Ibid.*, Sept. 24, 1824.

it really was. Charles Pinckney, it is true, was put before the public in a new light, and Timothy Pickering and John Adams were subjected to severe castigation; but it was upon John Quincy Adams and Calhoun that the writer directed the full play of his sarcasm. It is noteworthy that while opposed to the school of Alexander Hamilton, he compliments the intellect of that statesman, and while criticising the politics of Hayne, Hamilton, Poinsett and McDuffie, on account of their tendency to consolidation, he gives them credit for their recent efforts in Congress, describing them as "some of the most zealous and useful sons of South Carolina — men who, with industry and perseverance, knowledge and ability worthy of all praise, defended the rights of the South against the ignorant and selfish speculations of the tariff men." [1] There were inaccuracies in the pamphlet; but the main contention, that "Mr. Adams, Mr. Calhoun and General Jackson supported to the utmost of their power a principle and a measure which from the very moment of party difference has decidedly characterized the Federal party — consolidation is the motto of their flag" — had a basis to rest upon. As long as Calhoun remained a candidate, the question might admit of argument; but when he withdrew and the contest lay between Jackson, Clay, Crawford and Adams for the opponents of the tariff, to support any one but Crawford was to stultify themselves; yet his opponents were unable to make the Legislature of South Carolina realize the fact because of the devotion of the mass of her population to the Union, which they thought the success of Crawford might imperil. Coupled with this was the fact that while South Carolina was against the tariff, her people were not opposed to internal improvements, and as each tariff was hopefully regarded by the mass as the final adjustment, they were not ready to put the Union against freedom from this scheme of plunder. Thomas Cooper, the author of the pamphlet

[1] Pamphlet, Charleston Library Society, Vol. 2, Part 3, Ser. 1.

alluded to above, was too keen a political observer not to note this distinction in the State between the regard for these two policies, and while he attempts to ridicule Calhoun for what he calls his "frolic to Deep Creek on the top of the Alleghany," he declares that he is "by no means an enemy to internal improvements, if they are executed upon some plan of equality among the respective States." But this, he says, no system proposed, contains. Finally, he makes the declaration of the honest partisan: "Fellow-citizens, it is vain to say the monster party may be destroyed; people who honestly and with views and intentions equally honest differ on principle must ever remain two parties. There need be no animosity, because, going both of us to the same point C, you prefer the road A, and I think better of the road B. Still the difference must and will remain, nor do I believe the country would gain much by amalgamation. It is well for both of us to be watched." [1] Grim old fighter! What a world of wisdom is this last! But South Carolina could not be drawn to Crawford, and through her Legislature gave her electoral vote to the Hero of New Orleans for President and John C. Calhoun for Vice-President by 135 votes for Jackson to 15 for Adams, and only 10 for Crawford. "Of the three candidates for the Presidency," says a writer in the *City Gazette*, "two, Jackson and Adams, are known to be in favor of consolidation, one, Crawford, in favor of State Rights. We are aware that in this State we have much to contend with. Popularity, ever vacillating, has in a measure departed from the old Democratic (Republican party) and attached itself to seceders from its ranks. . . . Whatever may be considered, the claims of General Jackson have already been determined; but if subsequent events should render necessary not a change of opinion toward the individual, but a change of views, it will be most natural and wise to adopt them." [2]

[1] Pamphlet, Charleston Library Society, Vol. 2, Part 3, Ser. 1.

[2] *City Gazette*, Dec. 13, 1824.

CHAPTER IV

THE CONTROVERSY OVER CANNING'S PROTEST CONCERNING SOUTH CAROLINA'S LEGISLATION WITH REGARD TO NEGROES ENTERING HER PORTS. HAYNE'S OPINION AS TO THE TONE OF THE LEGISLATURE. THE RESOLUTION OF SENATOR KING OF NEW YORK. HAYNE'S REPLY

THERE came before this Legislature of South Carolina, however, a matter which did put the match to the fire of sectionalism, if the blaze still smouldered for a while. At the very time in which South Carolina was opposing Crawford against her own interests on account of her devotion to the Union, the Federal government, at the instigation of Mr. Canning, the British Minister of Foreign Affairs, was taking the State to task concerning regulations with respect to negroes entering the port of Charleston, enacted in 1822. The matter has been treated by Mr. McMaster in his great history,[1] but inaccurately. The communication of the Secretary of State, with the opinion of the Attorney-General of the United States, had been submitted to the Legislature by Governor Wilson, accompanied by a message which, despite its bombastic conclusion, disclosed an exact knowledge of the subject under discussion, and furnished an argument which even the great Canning would have found some difficulty in replying to. After contending that a State has the same right of self-defence as an individual, and that it is competent for each community to make such regulations and to stipulate such conduct as appears on the best considerations to produce the greatest good and security, in support of which he

[1] "History of the People of the United States," Vol. 5, p. 201.

cites then existing laws in England concerning Roman Catholics, he declares that "the President and his advisers, so far from resisting the efforts of a foreign minister, seem disposed by an argument drawn from the overwhelming powers of the General Government, to make us the passive instruments of a policy at war with our interests, but destructive of our natural existence. The evils of slavery have been visited upon us by the cupidity of those who are now the champions of universal emancipation. A firm determination to resist, at the threshold, every invasion of our domestic tranquillity, and to preserve our sovereignty and independence as a State, is recommended." [1] This was evidently aimed at England, but probably other regulations in other States were cited; for Mr. McMaster says, "The defence were careful not to point out the fact that New York did not charge quarantined negro sailors board, lodging and fees and sell them into slavery if they could not pay." [2] The same writer asserts that the court decided that the act was unconstitutional; but declares the seizure of negroes went on just the same. But the truth is that it was the act of 1822 which was so declared, and in the amendment passed afterwards almost every suggestion of Judge Johnson, who framed the decision, was incorporated in the act of 1823, in which there was no provision for selling the negroes into slavery, nor did its operations apply to "individuals employed in vessels of war of the United States Navy or National vessels of any European Power in amity with the United States, unless they were found on shore after being warned, or with regard to individuals arriving within the limits of the State by shipwreck or stress of weather or other unavoidable accident." [3] When McMaster treats of the resolutions also, he omits the first resolution of the Senate: "That the Legislature of South Carolina

[1] *City Gazette*, Dec. 7, 1824.
[2] McMaster, "History of the People of the United States," Vol. 5, p. 202.
[3] Statutes of South Carolina, Vol. 7, p. 464.

is desirous of complying with any measure necessary to promote harmony between the States and the government of the United States and foreign nations and will cheerfully comply in all cases which do not involve a surrender of the safety and inherent rights of the State." [1] What he says of the duty of the State to guard against insurrection "paramount to all laws, all treaties, all constitutions, etc.," is well put; but the subsequent extract quoted by him as part of the resolutions, viz., "that the Legislature was aware of the dangerous and insidious conduct of a party in Great Britain and the United States, who were ever ready to indulge their benevolent propensities at the expense of their neighbors," he could, without very much trouble, have discovered, was stricken out. We may agree with Hayne, that the resolutions might have been more moderate and just as effective; but the final declaration of the historian, that "both branches having refused to repeal the act of 1822, it remained on the statute book at the opening of the Civil War," is, as has been shown, not supported by the facts of the case.

The temper of the people of South Carolina, however, was changing. Yet Governor Wilson, in his message of 1824, two years after the attempted insurrection, is just as earnest as Governor Bennett, one year before, in recommendations for a mitigation of the laws pressing, in his opinion, too harshly on the free colored population of the State. There happens to be in existence a letter to C. C. Pinckney, Jr., from Hayne of about this date, in which some allusion is made, among other matters, to this issue between the State and the Federal government, and it puts his view so clearly that it should be quoted. It is from Washington, Dec. 21, 1824: —

"My dear Sir: —

"I had the pleasure of receiving your letter, requesting my aid in obtaining for the son of our lamented friend, Mr. Lowndes, a

[1] *Courier*, Dec. 16, 1824.

cadet's warrant. Nothing could give me more pleasure than to use my best exertions in any way which could be useful to the family of our deceased friend. But in this case no exertion could be necessary. The high standing of Mr. Lowndes & the universal feeling of kindness & respect for him while living & of veneration for his memory rendered it only necessary to mention the name of his son in order to effect the object & a Warrant before this can reach you will be in the hands of his grandfather in Charleston. While on this subject permit me to say that in a consultation with Mr. Cheves this morning in reference to the character & prospects of the youth in question (for whose honor and welfare we feel a very deep interest) we would recommend to your consideration whether the interval which must elapse before he can be received at West Point had not better be devoted to study & the formation of those habits of industry & attention which will be essential to his future success. Perhaps a private tutor (feeling a deep interest in his prosperity) would be best calculated to do him good. It will be necessary, I should suppose, that particular attention should be paid to Arithmetic and Mathematics & these sciences would have a tendency to form those habits of the mind most favorable to the pursuits in which he is to engage. We have very little news here to communicate. The Presidential Election has not yet produced much excitement. I feel great confidence of the election of General Jackson & certainly the contest will be between Mr. Adams and himself. I think a handsome provision will be made for General Lafayette. In the Senate we have recommended $200,000 & a Township of Land. Something like that will, I think, prevail. No other important business will be done. The proceedings of our Legislature on the free negro question are certainly not very acceptable here & I think it is very much to be regretted that a tone at least of more moderation had not accompanied whatever measures were deemed necessary on

the present occasion. South Carolina, I assure you, has a character to sustain & her own dignity requires that no intemperate expression, no threats of forcible resistance to the Natl. Govt should ever be resorted to. God forbid that the necessity for such should ever exist, but at all events let us not contemplate or speak of such an event, otherwise than in terms of unmingled honor. Mrs. H. desires to be kindly remembered to Mrs. P. and yourself. I am, Dear Sir, with the highest respect and esteem,

"Yours,

"ROBERT Y. HAYNE."[1]

The writer of the above had barely attained his thirty-third year, yet he certainly meets the requirements of temperance and dignity of expression that his station demanded. Those qualities are not more noticeable than his modest, impersonal allusion to the Lafayette grant, and the contrast between his allusion and other comments of the day is striking. With regard to his connection with that measure, Benton says: "In the very second year of his service he was appointed to a high duty — such as would belong to age and long service as well as to talent and elevated character. He was made chairman of the select committee — and select it was — which brought in the bill for the grants ($200,000 in money and 24,000 acres of land) to Lafayette, and as such he became the organ of the expositions, as delicate as they were responsible, which reconciled such grants to the words and spirit of our Constitution and adjusted them to the merit and modesty of the receiver: a high function, and which he fulfilled to the satisfaction of the country."[2] Benton is fully sustained by Niles's Register, which under the very date of the above letter says: "Mr. Hayne went into a long and able exposition of the General's services; and as to

[1] Original in possession of Mrs. St. Julien Ravenel.

[2] Benton, "Thirty Years' View," Vol. 2, p. 187.

the matter of compensation, made it out that he was fully entitled to the sum proposed. (We shall insert the speech at length because of the interesting facts it discloses.)" [1]

Of all inopportune times this, while the Legislature was considering the protest of a foreign power with regard to State regulations concerning free negroes, was the least appropriate for the Legislature of Ohio to select in which to make suggestions to South Carolina concerning the negro question; for South Carolina was well informed as to how the free colored inhabitants of Ohio were treated, as has been shown, with less consideration and justice than they were treated in South Carolina. The communication from Ohio was not treated disrespectfully; but certainly not in a way to encourage others. The communication only assisted the growth of the impression that slavery, although recognized by the Constitution, might after all be interfered with. General Jackson might be a protectionist, but at all events, with him at the head of affairs, there would be no interference with the vested rights of the Southern States; and the contest for the Presidency took on something of the nature of a sectional contest. If it be admitted that Mr. McMaster is possibly correct in declaring, as he does, that "for the Presidency Lowndes had not the smallest chance of success"; yet, as a moderating influence, Lowndes's presence would have been of great value to the country, and the breach, which from this time began to open, might not have gaped so widely. Had Lowndes lived, he might not have secured any other votes than those of South Carolina; but it is extremely improbable that he would ever have passed from the candidacy for President to that of Vice-President, and, with the election thrown into the House, the immense value of the state of feeling toward him, to which Calhoun alluded in referring to him as a candidate in opposition to himself, — "He has few opponents, but still fewer ardent friends," —

[1] Niles's Register, Vol. 27, p. 270.

would have been apparent. Had he been a candidate, his candidacy would have saved Clay from the necessity of choosing between the other candidates and announcing the result in such an unfortunate manner as he did in his letter to the Honorable H. F. Brook: "My conscience tells me I ought to vote for Mr. Adams. Mr. Crawford's health and the circumstances under which he presents himself to the House appears to me to be conclusive against him. As a friend to liberty and to the permanence of our institutions, I cannot consent in the early stage of their existence, by contributing to the election of a military chieftain, to give the strongest guaranty that the republic will march in the fatal road which has conducted every other republic." [1] This letter was a gratuitous insult not only to Jackson, but to every State that had supported him, and it aroused a bitterness of feeling toward Clay that never was wholly obliterated. It is not surprising that in the intense resentment which it inspired, he was thought quite capable of having bargained with Adams for the high office which the latter bestowed upon him as soon as he was elected.

Hayne does not seem to have taken a very active part in the debates of this session, although on the matter of the suppression of piracy he did support Senator Barbour's proposal to blockade the ports of Cuba; but although the measure had the support of both of the senators from Massachusetts also, the amendment of Barbour's colleague, Tazewell, prevailed by a decided vote. Towards the close of the session, Senator King of New York offered a resolution that Congress constitute and form a fund to aid the emancipation and removal of such slaves as by the law of the States respectively may be allowed to be emancipated and removed. For the purpose of this resolution, a portion of the public land was to be appropriated. Hayne promptly intervened with a resolution, declaring: "That Congress possesses no power to appropriate

[1] *City Gazette*, Feb. 4, 1825.

the public land of the United States, to constitute and form a fund to aid the emancipation of slaves within any of the United States or to aid the removal of such slaves, and that to constitute such a fund or to pledge the faith of the United States for the appropriation thereof towards these objects would be a departure from the conditions and spirit of the compact between the several States; and that such measures would be dangerous to the safety of the States holding slaves and be calculated to disturb the peace and harmony of the Union."

There were reasons why Hayne should feel a little sensitive with regard to any movement or pronouncement on the part of Senator King concerning slavery; for it may be remembered that the negro Jack Purcell had spoken of the speeches of a Mr. King in Congress as constituting some of the material used by Denmark Vesey to incite the negroes to insurrection; still, while the subject might well have been "of the most vital importance to those whom he had the honor to represent," in the light of his own letter to C. C. Pinckney, Jr., the use of the words, "unsolicited interference on the part of the Federal Government" in the discussion, was scarcely appropriate. In part explanation, it may be urged that at the close of the session feeling was running high, the tension extreme over the result of the election and the contributory causes, so much so, that when Adams submitted the names of his cabinet to the Senate for confirmation, both senators from the States of Pennsylvania, North Carolina, Tennessee and Georgia, as well as one each from New Jersey and Illinois, joined the other three senators from the extreme South, with whom Hayne aligned himself, and voted against the confirmation of Clay.[1]

[1] *Ibid.*, March 16, 1825.

CHAPTER V

THE STRUGGLE BETWEEN CALHOUN AND SMITH FOR CONTROL OF THE STATE. HAYNE'S SPEECH AGAINST THE PANAMA MISSION

THE newly elected Vice-President of the United States was received with some enthusiasm upon his return to his native State at the adjournment of Congress. His elevation to the high office in the nation, which he filled with conspicuous ability and becoming dignity, had withdrawn him from the arena of active politics and lifted him to a position in which almost all of his fellow-citizens could take pleasure in contemplating a son of the State. Yet at the functions at which he was entertained, whether on the seaboard or in the mountainous region of Pendleton, the memory of Lowndes was still warm in the hearts of the people, and his name ever upon their lips in terms of the greatest affection and honor. In such a condition of the public mind, Governor Troup's agitation in Georgia against the general government made no headway in South Carolina. In the judgment of the *City Gazette* even, which was closest to the extreme State Rights faction led by Judge Smith, "the time had not yet arrived when argument had been exhausted." Yet it declared "the inflammatory proposition of Mr. King on the floor of Congress" was an "unhalloed and desperate attempt to excite the public mind upon a certain subject," [1] and despite its further declaration, that "the Union was no light consideration to those who value their glory and their interest," [2] the sentiment

[1] *City Gazette*, June 1, 1825.

[2] *Ibid.*, Aug. 1, 1825.

of the people of the State was changing. In this change the sectional injustice of the tariff law, more apparent with each year, was a great factor. The value of the export trade from the Southern ports was being reduced; while from the North it was with the exception of New England increasing. But the absurdity of the claim, that less importation would be necessary with the passage of the tariff act was disclosed by the Treasury figures of 1824. The importations at Charleston had shrunk in three years $842,312, just about what her export trade had risen; while Boston's commerce had moved in exactly the opposite direction to about the same extent in the same period. But Philadelphia, the port of the manufacturers, had raised the value of her exports $1,330,612, and increased her imports $3,215,608. The value of the importations, therefore, was not reduced; the channel through which they entered was altered, that was all. And these facts were revealed to the public of South Carolina by an excellent press. The State had refused to support the exponent of extreme State Rights on account of her pride in the Union, and the great sons who had contributed so much to its power and might, she had not only failed to obtain the Presidency for Calhoun, but the defeat of Jackson had led to the elevation of Adams and Clay, the two candidates most opposed to her interests. In this condition of affairs several bright young politicians, one of whom was later to rise to great eminence, and all to figure as Unionists, seized upon the opportunity, at this time offered, to cut their way to power through the advocacy of extreme State Rights. His very position made it difficult for Calhoun to exert all his influence in holding the State to his liberal views. Presiding in the Senate with firmness, ability and impartiality, Calhoun had raised Hayne to the chairmanship of the committee on Naval Affairs, and made him a member of that on Finance and of the one constituted to consider the abolishment of debt and the institution of a general bankrupt law. But while

he and Hayne were occupied with their respective duties, the Legislature of South Carolina was warmly debating the resolutions of the previous session unacted upon, Judge Smith bringing up the Prioleau draft, with an amendment practically reproducing the senatorial expression of opinion on internal improvements. This amendment had the support of Hugh Swinton Legare, B. F. Hunt, Porter and Nixon, in addition to his own powerful advocacy. It was opposed by John Belton O'Neall, A. P. Butler, Caldwell, Taylor and Gregg.[1] O'Neall's effort was said to have been animated and must have been a strong presentation of that side; but no copy seems to have been preserved. Legare's was that of an extremely talented and accomplished scholar. Butler's was a noteworthy specimen of eloquence, for more reasons than one. His declaration, that "for certain great National purposes the government of the United States is a government operating on one common people, composing one entire Empire," is interesting, and while he fails to allude to Calhoun, he does eulogize his close friend and former political associate. He declared that "Mr. Lowndes was in favor of a system of Internal Improvement. He was a star of the first magnitude: distance could not destroy, time could not diminish its lustre. When such men as Mr. Lowndes, after mature deliberation and discussion, had come to such a conclusion, he would pause a long time before he would say it was wrong." By the House, the amendment was adopted by a two-thirds vote; in the Senate, it barely passed 21 to 20, with a strong protest from State Senator Simkins, also a close friend of Calhoun. Then came the death of Senator Gaillard and the appointment of William Harper to the vacancy by Governor Manning. It does seem unfortunate that this play of politics for position should have taken up so much of the time and attention of the Legislature; for it prevented that body from taking up as early as they otherwise almost

[1] *City Gazette*, Dec. 19, 1825.

certainly would have done the great question of railways. The historian Elson says: "The first steam locomotive was brought from England in 1829, where experiments in steam railways had been in progress for over ten years, but it proved a failure. In 1831, however, a locomotive was successfully used in South Carolina, and within a few years others were in operation in various parts of the country." [1] Mr. McMaster, with great ability, succeeds in avoiding this statement, while treating the subject very fully. The authority from which he draws most of his data summarizes the matter as follows: "The South Carolina Railroad was accordingly the first road in the world built expressly for locomotives, the pioneer in having the first locomotive for actual service in America built for their use; also the first to order a locomotive built in their midst and by one of their own native mechanics and citizens." [2] The name of this man should be remembered. He was E. L. Miller of Charleston, who in 1829 went to England to investigate the subject thoroughly, and, returning, offered to construct a locomotive for the road, which the direction accepted.[3] We have seen that the suggestion of operating a railway by steam was made by "H" in the fall of 1821; but the following year opened the struggle between Calhoun and Smith for control of the State, and pretty well occupied attention for four years. While Judge Smith was preparing for his war on internal improvements, an even greater Carolinian, Stephen Elliott — a force in all industrial and educational movements in the State — was elected an honorary member of the Linnæan Society at Paris; and a little earlier, in the year of 1825, a correspondent of the *City Gazette* sarcastically remarks: "Although the railways have been so supremely spurned in all the calculations of our deeply read and highly experienced Internal

[1] Elson, "History of the United States," Vol. 3, p. 94.
[2] Brown, "History of the First Locomotive in America," p. 151.
[3] *Ibid.*, p. 139.

Improvements, it is presumed that the advocates for their adoption may now, after so long a silence, presume to allude to them." [1] But politics still held the stage at Columbia. In the United States Senate, Hayne had introduced a bill for the establishment of a naval academy, apparently at the suggestion or in accord with the idea of the administration; but on the question of the expediency of sending ministers to the Congress of American Nations at Panama, he put himself promptly in opposition to the views of Adams and Clay. After a long fight the administration won by a vote of 24 to 19.

Although the question of slavery did come up in the debate, the division was not exactly sectional, as at least four senators from the slave States voted to send and five from the Northern States not to send. Hayne opposed the measure earnestly and consistently from first to last on every vote. His speech in opposition to sending does not reach the lofty height of his great effort against the tariff bill of 1824, but was marked, as has been previously shown his earliest effort at oratory was, by an accurate apprehension of an idea many years later announced by a famous writer, and at that subsequent time hailed as strikingly original. On that occasion it was Lecky; in the Panama speech it was Bryce. In the first edition of "The American Commonwealth," Mr. Bryce, with fine rhetoric, pictures conditions in the United States as follows, "Towering over Presidents and State Governors, over Congress and State Legislatures, over conventions and the vast machinery of party, public opinion stands out in the United States as the great source of power, the master of servants who tremble before it." The sonorous roll of these periods should not so captivate the imagination as to prevent us from realizing that the thought is as thoroughly expressed, if less poetically, by Hayne, in his speech against the Panama mission, more than half a cen-

[1] *City Gazette*, April 8, 1825.

tury before. In the second of the three divisions into which he groups his objections, and where he might with advantage have contented himself with the preamble, he thus opens the discussion: "The United States were the first to set its face against the slave trade and the first to suppress it among their own citizens. We are entitled to the honor of having effectually accomplished this great object, not more by the force of our laws than by the omnipotent power of public opinion — a power in this country paramount to the laws themselves." [1] Proceeding with the discussion, he observes: "In all measures of this character, every portion of our fellow-citizens have cordially coöperated, and even in those States where slavery still exists, the people have gone heart and hand with their Government in every measure calculated to cut out this nefarious trade by the roots. Having done so much, we may well call upon other nations to 'go and do likewise,' before they can be permitted to taunt us on this subject as one of these South American ministers has done." But as Hayne took care to say that he apprehended no violation of the constitutional rights of the South, he could have well afforded to omit any declaration of what the Southern States would do if they were violated. And again it was a great mistake to take the ground, that to discuss slavery was to violate a right. That slavery was distinctly sanctioned by the Constitution, a perusal of the terms of that instrument cannot fail to disclose; but it had been discussed, and, as Sergeant knew, to his intense chagrin, established in Missouri by act of Congress; for he had incontrovertibly demonstrated this, if he had accomplished nothing else in the great debate on the Missouri question; while to hang the foreign policy of the United States entirely upon the requirements of an institution prevailing in, at most, but half of the States of the Union, was to place that

[1] Hayne's Speech, De Saussure Pamphlets, No. 7, p. 20, Charleston Library Society.

institution in too prominent a national position. There was strong ground for the claim that the regulations of the State of South Carolina, with regard to negroes entering her ports, was within her police power; but to claim that the United States must "protest against the Independence of Haiti," because "you find men of color at the head of" her "armies, in the legislative halls and executive departments," [1] was unreasonable. In other respects, the speech was a notable contribution to the thought of the day. Hayne's views on the Monroe Doctrine brought him into direct issue with Webster in the House; but history has not yet developed with sufficient clearness what the doctrine is for us to judge who was right. On the proposition advanced by the President, that "the moral influence of the United States may perhaps be exerted with beneficial consequences" for "the advancement of religious liberty," he having suggested that, as "some of the Southern Nations have incorporated an exclusive church, the abandonment of this last badge of religious bigotry and oppression may be pressed, etc.," Hayne was on firm ground in opposition and declared with powerful emphasis: "It is against the spirit of our Constitution to interfere in any way with the religion of our own People, I should conclude it must be altogether foreign to our policy to interfere with the religion of other nations. We both believe ourselves to be right, and I know of no power but that of the Almighty which can decide between us." Passing to the consideration, that the authorization of the mission would be a violation of neutrality, he sustained that contention with a strength of argument and felicity of illustration quite impressive. The opening of the speech did, it is true, contain a sarcastic reference to what had been claimed, from a high quarter, the mission was designed to accomplish, viz., "to present an imposing spectacle to the eyes of the

[1] Hayne's Speech, De Saussure Pamphlets, No. 7, p. 20, Charleston Library Society.

world;" but in the main the speech was an appeal to the reason rather than the emotions of his hearers, and, without any attempt at a peroration, the simple conclusion was, "if this extraordinary mission must be sanctioned, I will wash my hands of it."

From the closing discussion in the House between McDuffie of South Carolina and Trimble of Kentucky, it almost appeared as if Jackson and Adams had been lost sight of in the rivalry between Calhoun and Clay; for if Clay had formed a coalition with Adams, his defenders inquired, had not Calhoun effected the same with Jackson? Meanwhile, in the South Carolina Legislature, the vote to supply the vacancy made by the death of United States Senator Gaillard was very close, but resulted in the election of Judge Smith by 83, to 81 for D. E. Huger.[1] The Georgia papers were delighted at the election of a Crawford supporter, and the *Augusta Constitutionalist* declared that it was evidence of the fact that "Calhoun was not all powerful in the State of South Carolina."

[1] *City Gazette*, Dec. 4, 1826.

CHAPTER VI

A GLIMPSE OF SOCIETY AT THE FEDERAL CAPITAL AND AT CHARLESTON IN THE TWENTIES. CHARITABLE, EDUCATIONAL, RELIGIOUS AND INDUSTRIAL CONDITIONS AT THE LATTER PLACE

We may get a glimpse, if only a glimpse, of social conditions at the Federal capital and Charleston from some private letters of this period. An extract from one written to Charleston from Washington, by a lady visiting the President's wife, throws some light on the time. The lady in question was a friend of Mrs. Adams, and writes from the White House, January 18, 1826, to her friend, Charles Manigault of Charleston: "There is a great deal of company at home, a drawing room once a fortnight & a dinner once a week, generally of thirty-eight ladies and gentlemen; this is a pretty stupid business — all the members of congress & senators & their wives and daughters, if they have any, are invited & it often happens that neither the President nor Mrs. A, nor any of the family know the names of some of their company; for they just call and leave their cards and then they are put down on the list to be invited when their turn comes, poor souls I pity them as they enter these large apartments & see none but strangers surrounding them; but Mrs. A's manners are very easy & affable, she soon contrives to find out whence they come and talk to them about their home & the Influenza & the weather, this never failing inexhaustible subject of conversation. Mr. & Mrs. Hayne and Colonel Drayton & the Websters had their dinner before I came here, but if the session should be a long one their turn will come

again & I shall be glad of it. The drawing rooms are very crowded, last Wednesday there were upwards of 400 people & they appear to come from all quarters of Uncle Sam's dominions & some queer-looking objects you may suppose amongst such a number, the company begins to assemble about ½ past 7 or 8 and at 10 it is all over & an amazing scene it is. They say here the City is uncommonly dull this winter owing to the families of the heads of the departments being all in mourning except Mr. Rush, the secy of the treasury & he only gives gentlemen dinners, the poor ladies are left out. Mrs. Rush however promises them a dance. Mdme de Mareuil has begun her soirees, last Saturday was the first, they are to be every fortnight only but as they are regular dances much pleasure is anticipated at her house. Waltzing is quite the fashion here among the Americans as well as the foreigners, ten & twelve couples & often more set off at once & I am told that many of my countrywomen equal the most expert strangers in this graceful dance." [1]

In a letter written by Mr. Henry W. Conner from Charleston to his mother and sister in North Carolina, on March 26, 1825, the description given of the entertainment to General Lafayette in that city imparts an idea of the dressing of the day and the wealth evidenced thereby. He says: "The room was 180 to 200 feet long & on it ranged round on seats rising gradually one above the other were ranged 1800 ladies as richly & as tastefully dressed as the fancy or purse of each one would allow. Many of the dresses were most brilliant as well as costly; steel seemed to triumph over gold, and silver was quite in the background. Some of the trappings of our Nabobs daughters must have cost 2 to $3000, or perhaps more. The dresses were all white & in some cases a thin netting of steel or gold or silver gauze was woven over a white muslin dress. The trimmings were either white, pink or blue.

[1] Original in possession of Miss Ellen H. Jervey of Charleston, South Carolina.

Most of them wore something like spencers that fit close to the body of pink or white & all wore rich headdresses with a profusion of diamonds and jewels of all grades from the common paste up to the diamond of the 1st water." [1]

A letter of date August 21, 1826, from that old Revolutionary soldier, Alexander Garden, the author of Garden's "Anecdotes," affords interesting contrast with letters following in succeeding years, when temper was warm and sectionalism rife He declines an invitation from Mr. Manigault, giving as a reason that "Major James Hamilton, Senr., my former companion in arms in whose tent I passed during the War of the Revolution an entire winter and under whose command I was at the period when the retreat of the enemy put our country in possession of Charleston, has proposed to me, after the 4th of July, 1827, to sail to the North and wile away the Summer Months among friends of our more youthful days, indulging the recollection of all that we have seen & suffered together, and giving to declining life a review of the scenes the best calculated to increase its enjoyments." Then follows a description of some society, called the "Tertulia," of which he says, "this last was splendid indeed and tho neither Ella nor Meta shone as they were wont to do with superior lustre, there was the gentle Sally Alston, the Deas's, Pringles (married & single), Miss Mary More Smith, who by the way pouted exceedingly because the unlucky dog Nimrod asserted that her eyes did scorch him like a burning glass, the sweet songstress Mrs. Porcher cum multis aliis who gave an eclat to the scene most truly fascinating." Major Garden adds to this the narrative of the relief of a pressed scholar, about to part with his library, for whom a present of $2500 was promptly subscribed, "with a request that not a volume should quit the shelf it was destined to occupy." The writer declares the contributions were so generous that he was enabled to avoid calling upon some,

[1] Original in possession of Miss Mary Conner of Charleston, South Carolina.

"who had forsaken prudence to embrace humanity," and he concludes, "Man is by no means as selfish an animal as cynics would insinuate & teach us to believe." Following this are two interesting incidents of the time. "One of the most ridiculous occurrences imaginable had occasioned a quarrel between two of our most spirited young men. Both were bent on hostility, and the whole Society regarded the shedding of blood as a necessary consequence. It was reported to the Senior Members of the Cincinnati, that two of their younger Brethren, under the influence of ungovernable rage, were to meet with the determination that one or the other should fall. They, without a moment's delay, formed themselves into a Court of Honor & having obtained the consent of the contending parties to examine into the cause of the difference and occurrences arising therefrom, readily perceived that error and misconception had been the basis of the whole. To persist in the resolution to cut each other's throats therefore appeared absurd, and by temper and moderation they have at length succeeded in uniting in friendship men who, according to the principles of the institution, were bound to love and cherish each other through life as Brothers. I would not for worlds relinquish the pleasurable sensation I felt, when the father of one of the parties thanked me for the interest taken in preserving to him a son tenderly beloved. 'And yet, Garden' (he broodingly said), 'I know not whether I should not rather have seen my boy a corpse than to meet him entering my doors after having embued his hands in the blood of a fellow-creature.'" In the second incident, the letter narrates, we can supply the conclusion which the writer at the time was ignorant of. "Another affair of Honor greatly agitates the Public Mind. Pettigrew (Petigru) and Colonel B. F. Hunt. Both are now bound over, but, tho delayed, a fight must follow the language used. That block-head Moser deserves to be gibbetted for his nonsensical law against Duelling, as he now obliges men to

go abroad to settle, at the risk of life from climate, what might be with far greater convenience done at home. When fighting can not be avoided, it is far better to settle the business without delay or the inconveniences of journeying." [1] As delay, however, stopped this duel, saved the life of one or the lives of both, possibly, of the distinguished combatants, Dr. Moser's duelling law worked most effectively. Indeed, there could hardly be cited a better illustration of its value; for Petigru and Hunt not only did not fight, but became good friends. But the champion of Free Schools, the legislator responsible for the duelling law and that of capital punishment for negro murder, belonged to an earlier and more democratic day. The flood of slaves which had poured in had altered the industrial condition and was destined to continue to. Numbers of the yeomanry of the State had departed for the new lands opened up to the West and Southwest, and even the artisans were feeling the competition which General Thomas Pinckney had written of. The amount of capital invested in slaves about this time, or shortly after, must have been nearly, if not quite, $60,000,000 [2] in South Carolina alone. By them was cultivated an annually increasing cotton crop; but through the operation of the tariff laws, while the cost of their maintenance (and the injury of the soil from the wasteful style of agriculture their great numbers encouraged) fell upon the South, the manufacturers of the North reaped their share of the profit. Yet it was a society still strong enough to produce men of great diversity of talent. The accomplished Stephen Elliott has been alluded to, but there were others. Dr. Holbrook [3] and

[1] Original in possession of Miss Ellen H. Jervey of Charleston, South Carolina.

[2] W. B. Seabrook, "View of the Colored Population," Vol. 16, Ser. 2, p. 28. Pamphlets, Charleston Library Society (No. 5). The value of slaves in South, $300,000,000, South Carolina having one-fifth of total.

[3] From remarks of Louis Agassiz at meeting of the Natural History Society of Boston in the year of Holbrook's death, 1871: "I well remember the impression made in Europe more than five and thirty years ago by his work on the North

John Bachman, working along lines similar to those of the great Audubon, had produced work entitling them to consideration, and, in the person of Robert Mills, the State had a son who as the designer of the Washington and Bunker Hill monuments and the Schuylkill bridge (the arch of which was said to have had the greatest span of that day),[1] was an architect of distinction. Washington Allston's reputation as a painter was established; but White was not without merit, and Charles Fraser seems to have been more than a miniature artist; for in 1816 his drawings were published by plates. A little later Major Garden, in one of his letters, will tell of his own development as an author. At all events, it must have been an attractive society to move in. Robert Mills, in his statistics of the State, published about this time, gives an interesting account of the city and State. From this work we find that there were in existence at Charleston at this time, 3 Bible societies and 3 Tract societies, 5 Mission societies, employing 17 missionaries, 11 Sunday-schools with 1261 pupils, a great number of benevolent and charitable organizations, an orphan house endowed, but supported by the city corporation in addition, where at an annual expenditure of $14,003.61 from 180 to 200 destitute children were cared for and educated, 4 Free Schools established under legislative patronage, with salaries of $1200 allowed each teacher, and 4 established Library societies, to wit: the Charleston Library Society, established in 1743, and comprising in spite of the destruction of the greatest part of its collection in 1778 between 13 and 14,000 volumes, besides a number of fine engravings, etc.; the Franklin and Ramsay societies, composed chiefly of young men,

American Reptiles. . . . In that branch of investigation Europe had at that time nothing which could compare with it." Memoir of John Edwards Holbrook, page 11, Charleston Library Society. Holbrook, John Edwards: "North American Herpetology; or a Description of the Reptiles inhabiting the United States." Phila., 1836, in — 4. fig. Brunet's Manuel du libraire, v. 5, Paris, 1844.

[1] Mill, "Statistics of South Carolina," p. 467.

founded but a few years previous; and the Apprentices Library founded in 1824 and possessing 3000 volumes. There were four daily papers printed in the city, — the *City Gazette*, the *Courier*, the *Southern Patriot* and the *Charleston Mercury;* three weekly journals, — the *Southern Intelligencer*, *Catholic Miscellany* and *Wesleyan Journal;* and two monthly, — the *Gospel Messenger*, an Episcopal work, and the *Medical Journal.* In addition to this the author declares that every public house had a reading room where papers from different parts of the Union were received, and private establishments, the most extensive of which was Walker's, where all styles of periodical productions, particularly those relating to English literature, were found in attractive variety. The Episcopalians had 4 places of worship, the Presbyterians 3, the Methodists 4, the Roman Catholics 2, the Baptists, the Congregationalists, the Quakers, the French Protestants, the German Protestants, the Unitarians and the Jews, 1 each. Of the interior of St. Philip's Church, completed early in 1700, which he describes, he says it "exhibits more of design in its arrangements than any other of our ancient buildings . . . in its whole length, presents an elevation of a lofty double arcade supporting upon an entablature a vaulted ceiling in the middle. The piers are ornamented with fluted Corinthian pilasters rising to the top of the arches, the keystones of these arches are sculptured with cherubim in relief; over the centre arch on the south side are some figures in heraldic form, representing the infant colony imploring the protection of the king. . . . The pillars are now ornamented on their face with beautiful pieces of monumental sculpture, some of them with bas-reliefs and some with full figures finely executed by the first artists in England and this country." The organ, he tells us, "is an ancient piece of furniture imported from England, and which had been used at the coronation of George the Second." [1] According to

[1] Mill, "Statistics of South Carolina," p. 405.

the same authority, the Baptist Church on Church Street below Tradd, still in existence, "exhibits the best specimen of correct taste in architecture of the modern buildings in this city." The theatre, without any architectural display outwardly, with regard to its interior, was arranged with taste and "richly decorated." Mr. Mills estimated that there were from 1200 to 1500 mechanics, black and white, in the city, and as the wage of the latter was a third more, or double that of the former, the tendency must have been to cut down the work of that estimable class of citizens, the white mechanics. What proportion of these mechanics were black, and of these what proportion slaves, would not be easily arrived at. From the tax returns some 13 years later, there were between 75 to 100 free colored mechanics and about 450 slave mechanics. At this time, 1826, there were probably not as many. In addition to the shipping, which in 1824 was 88,125 tons, 10 steamboats plied between the city and Savannah and Augusta, Cheraw, Georgetown and Columbia, and as with that of the suburbs the population was over 37,000, the place was the metropolis of the South Atlantic coast.

CHAPTER VII

HAYNE'S REMARKABLE SPEECH AGAINST THE COLONIZATION SOCIETY

In December, 1826, Judge Smith returned to the United States Senate. The youthful rival, who in 1822 had wrested the seat from him, had now been in the body three years and certainly, in that time, had acquired distinct influence. Despite the fact that Virginia was represented by Randolph and Tazewell, it was Hayne who was selected to present to the Senate the petition with regard to the relief of the daughter of Thomas Jefferson. There were various discussions in which Smith took part; but in February, 1827, a memorial was presented by the Colonization Society, which both he and his colleague opposed, and by their efforts, to a certain extent, their respective abilities were displayed. There is nothing to be said concerning that of Smith, for it was not an utterance to attract attention or provoke any particular thought; but the two speeches made by Hayne were distinctly extraordinary, and one contained probably the most remarkable expression of opinion ever announced by him. The first of these speeches is replete with delicate satire, which without an unpleasant word or phrase plays lightly upon the subject of the memorial, revealing so clearly the incongruities and absurdities that the introducer of the paper complained that "the whole affair had been placed in the most glowing colors by the gentleman's fancy and his wit." This was a fair description of the first speech; for Hayne had accentuated every fact which told against the Society, and there were a good

many, with regard to which the mere telling was sufficient. He declared he possessed, and he submitted, "the evidence that the agents of the Colonization Society, on the coast of Africa, instead of being employed in peaceful pursuits, are engaged in warlike enterprises; that the colony had been organized into military Corps; and that under their gallant leader, the Reverend Dr. Ashmun, they have made war upon the Spaniards and the French, as well as on the natives; that they have with force and arms invaded and broken up several establishments; have made numerous captives, and in short are proceeding, as all such colonies will proceed, with a high hand to extend their influence and power 'by the sword.'" The letters of this representative of the church militant certainly bore out Hayne's statements; while such unhappy allusions as "our bloody conflicts with the natives," etc., were used by him with telling effect. These quotations were interspersed with a running fire of good-humored raillery. "The prisoners taken and put to labor under 'superintendents' (or as we should call them overseers) are doubtless found to be very convenient 'helps' in a colony so much in want of physical strength and productive 'labor.' No doubt," he continues, "they are treated as kindly as such 'a rude and ignorant people' ought to be; but so little gratitude do they evince to their 'deliverers' that they are only prevented from 'effecting their escape' by the 'constant guardianship' of their 'superintendents.'"

By the proceedings of the Colonization Society, Hayne then showed that it had approved, while the Federal government, whose agent he also was, had formally disapproved, of much reported by Dr. Ashmun. With a parting shot at "the nice distinction, which adopts for the government all the lawful acts of Dr. Ashmun, and throws all the rest on the Colonization Society," Hayne expressed his hope, on account of the lateness of the hour, that the petition would be laid upon the table, and that he would

make such a motion as soon as gentlemen who may desire to explain their views have done so. Objections were made by several senators, and Senator Smith, after speaking against the petition, moved that it be laid upon the table. But the Chair ruled that it could not be acted upon unless signed or the handwriting averred, and so it was withdrawn. Two days later Senator Ezekiel Chambers, of Maryland, who had introduced it, presented it again, signed by "the distinguished individual who presided over the society," and, so presenting, proceeded to make an almost pathetic defence of it. He complained that Senator Hayne had denounced the plans of the Society as "visionary and chimerical"; while he (Mr. C.) "indulged the hope that the exalted character and distinguished intelligence of the individuals who had been connected with the Society would have restrained the gentleman from this sweeping denunciation. If that could not rescue the Society from the reproach of the senator from South Carolina, he reminded him of the countenance it had received from nine or ten States of this Union; and if nothing would avert the determined purpose of the senator from South Carolina, he announced that he was himself to be ranked among those fascinated by the 'chimera.'" Declaring that it was not the time or the occasion to go into the merits of these transactions, the senator thought "the plain narrative would not place the conduct of Dr. Ashmun in a view so censurable or so ridiculous as it had been represented," and he accordingly entered upon what was pretty much a repetition of what Hayne had stated; and after admitting that the danger had been magnified and the means of prevention not fully justified, and the proceedings in some cases not absolutely necessary, he claimed he had presented "the history of the facts"; which, he complained, "with the decorations contributed by the fancy and wit of the gentleman, have been held up to the Senate as a spectacle fit not only to be gravely censured, but to be ridiculed."

In the course of his remarks, Senator Ezekiel Chambers took occasion to describe the free colored people, as he judged them to be in the slave States, evidently from those he had seen around him. In no State in the Union were they as numerous as in Maryland, where, according to the census of 1830, there were 52,923, or more than one-ninth of the population. Why he speaks of "your" society, "your" country, "your" free blacks, when he was so thoroughly entitled to use the first person plural, is difficult to understand unless he was an adopted citizen of the State. The following, however, are in part the terms in which he draws his indictment against a whole people: "That part of the population of the States which it was the object of the Society to remove was a degraded, miserable race of beings. . . . They are not only the drones and moths of your society, who occupy the place and exclude the presence of a laboring, hardy, useful and moral class of white men, actuated by a common attachment and devotion to your country, its Constitution and its laws . . . but your free blacks exert the most deleterious influence on every class and almost every individual in society. . . . You are advised by intelligent and discreet men, whose lives have been devoted to the consideration of this subject, that the plan now proposed will probably remove, certainly lessen, these evils. . . . If authority be required to sanction such opinions, you have it in the deliberate and formal decisions of the Legislatures of a large portion of the States of the Union — States in which slavery is allowed and States in which slavery is not allowed." In conclusion, he asked, "Was the Senate prepared to unite with the senator from South Carolina in denouncing a system thus recommended to their consideration?" [1]

Hayne was not particularly occupied with Chambers; but he had been very intent upon flushing greater game, and this he felt he had accomplished. In his reply he charged that the fine parlia-

[1] Abridgment of Debates of Congress, Vol. 9, pp. 303 *et seq.*

mentary hand of "a gentleman high in office (Mr. Clay)" had been detected by him in a resolution, which he quoted, and upon the adoption of which he asserted he had become "satisfied that this subject would at length come before Congress, not for a final decision, but in such a form as to obtain if possible a victory without a battle." Then after declaring that "as to the persons who compose the Society," there were many for whom he "entertained the most unfeigned respect," with some humor he divided them into different classes, and it was pretty evident in which class he considered Clay, although no name was mentioned. Then he took up the plans of the Society and, subjecting them to a searching criticism, revealed their inadequacy. He ridiculed the "danger from less than two millions of ignorant and unarmed people scattered over an immense region and without the means of concert or coöperation in a population of twelve millions of brave, intelligent freemen." Then he touched upon a point which must have been pretty generally felt. "Sir," he said, "a mistake has gone abroad on this subject, which must be corrected . . . an opinion prevails in some portions of the Union that the Southern States are dependent upon them; that they cannot maintain their existence without the protection of their Northern brethren; and hence it is, Sir, that very little scruple is felt in imposing burdens (by tariffs and other impositions) on those who are supposed to be 'in mercy.' Sir, let me assure our Northern brethren that this is altogether a delusion. We feel ourselves perfectly adequate to our own protection, and we feel no apprehensions whatever except from their unauthorized and dangerous intermeddling with our institutions. But if the danger was such as the Colonization Society suppose, what are we to say to the remedy?" Then citing the figures, he shows the extravagance of the claim that 6000 blacks could be transported to Africa at a cost of only $20 a piece, when official documents indicated that the thirty so far transported had cost the government $69,767.57,

and that by no possibility could the cost be reduced below that of $500 a head; while even if it was admitted that it might be done at one-fifth that expenditure, nothing short of 60,000 despatched per annum could accomplish the objects of the Society, and that would cost at least $6,000,000 per annum. In considering this portion of Hayne's argument, we must, of course, remember the condition of the Union at that time, when these figures meant infinitely more than they do to-day. Leaving the consideration of figures, he proceeds then directly to the most remarkable part of his speech: "Sir, this whole subject is grossly misunderstood and egregiously misrepresented. The progress of time and events is providing an effectual remedy for the evil, concerning which some gentlemen are so sensitive. In this very speech (that of Senator Chambers evidently), facts are stated that ought to quiet forever the minds of the most philanthropic on this subject — facts drawn from official documents, which show conclusively that the relative increase for many years past has been decidedly in favor of the free white population, and that the relative proportion of the colored population whether free or slave is certainly diminishing almost in arithmetical proportion." Then after submitting statistics in support of this claim, he continues: "Thus, Sir, it appears that the Almighty, in the wise order of his providence, has marked out the course of events which will not only remove all danger, but gradually and effectually, 'and in his own good time,' accomplish our deliverance from what gentlemen are pleased to consider as 'the curse of the land.' The European population is now increasing at the rate of 4 per cent, that of the African race at from 2 to 3 per cent (and their rate of increase constantly diminishing). The former will be doubled in about twenty-five years, the latter will not probably be doubled in less than fifty years. While this process is going on the colored classes are gradually diffusing themselves throughout the country and are making steady advances in intelligence and refinement,

and if half the zeal were displayed in bettering their condition that is now wasted in the vain and fruitless effort of sending them abroad, their intellectual and moral improvement would be steady and rapid. The history of this country has proved that when the relative proportion of the colored population to the white is greatly diminished, slaves cease to be valuable and emancipation follows of course, and they are swallowed up in the common mass. Wherever free labor is put in full and successful operation, slave labor ceases to be profitable. It is true, that it is a very gradual operation and that it must be, to be successful or desirable. Time and patience, therefore, are only wanting to effect the great object which gentlemen profess to have in view, and to effect it safely, prudently and in the only mode in which it can be done, without the inevitable ruin of all parties concerned. And yet gentlemen, in their intemperate zeal in what is miscalled the cause of justice and humanity are attempting to anticipate events, and insist on reaping the fruit at once, not only before the harvest is ripe, but before they have taken the pains to till the ground or to sow the seed." Then with a prescience shared with none of his contemporaries, he concludes, "It is true, Sir, that much has already been done to create difficulties, and our only apprehension arises from a belief that a reckless perseverance in the course which has been for some time pursued (ostensibly for our benefit, but in truth to our injury) may lead to scenes over which humanity must weep."

At the conclusion of this remarkable utterance, the petition, after a few words from Benton on the same side, was laid on the table. When Chambers spoke of the free blacks as "a degraded and miserable race of beings," he spoke of those he saw above Virginia, of those whose condition seemed to accord with those of Massachusetts, as indicated by the report of her legislative committee; but when Hayne spoke of them as rising in refinement and intelligence,

gradually it is true, but surely, he was borne out by such evidence as was afforded by the Brown Fellowship Society of his own city and the general run of house slaves to be met with in the South. We see that he believed in diffusion as the solution, a slow one but a sure and safe one. Nor were his estimates much out of the way; for taking from 1820 to between 1840 and 1850, the twenty-five years in which Hayne said the European population would double, we find it did; and if the African race doubled in forty, while he thought it would "not probably be doubled in less than fifty years," the antagonization of Northern and Southern sentiment, which became acute in five years from the time of this speech and finally cleft the Union in twain, had not a little to do in effecting the increase. Smith and Hayne had been on the same side on the above; but that they should at times be at variance was not surprising, and when Hayne a little later in the session, as chairman of the committee on Naval Affairs, brought in a bill for the gradual increase of the navy, and supported it in a speech for which he was highly complimented by Senators Smith of Maryland and Robbins of Rhode Island, Senator Smith of South Carolina felt himself obliged to oppose it. The attitude taken, however, by the two gentlemen from South Carolina, in their difference, was creditable to them both, although it proved not reconcilable, and after obtaining some support from Chandler of Maine and Johnson of Kentucky, Senator Smith launched a determined attack upon the provisions of the bill which provided for a naval academy. Unfortunately for him, however, assuming, not unnaturally, that as Senator Harrison had risen to be a general, without special military training, he would scarcely be in favor of such, he appealed to him in a flattering strain. But the caustic reply which he drew from that gentleman indicated that Harrison had a mind and temper of his own. In a short speech full of pith, Harrison refused to swallow the bait, and modestly alluding to his own deficiencies as

additional arguments in favor of the bill, wound up with the declaration that he considered the section which provided for a naval academy one of its most valuable features and hoped it would meet the sanction of the Senate.[1] It passed the Senate, but when struck out in the House, on its return to the Senate, Van Buren, who had previously voted for it, changed his vote and, as amended by the House, it was concurred in by a vote of 22 to 21.[2] For his equally unsuccessful efforts with regard to the bill for an uniform system of bankruptcy, Hayne was highly complimented by the *City Gazette*, at that time an Adams paper, which spoke of the bill as "introduced in the Senate by Mr. Hayne, a very able and distinguished leader of the opposition, and by Mr. Webster, the champion of the administration in the House."[3] The same paper criticised with some asperity the toasts to Hayne, Van Buren and Cambreling at a dinner given in Charleston, at which they all attended and were somewhat extravagantly lauded. Calhoun, meanwhile, had been cleared[4] by the investigation which he had demanded and pending which he had declined to preside over the deliberations of the Senate; but now he was definitely committed to absolute opposition to the efforts of the tariff men, who were preparing for another move at the next session, the one which would bring the country again to a Presidential year.

[1] Abridgment of the Debates of Congress, Vol. 9, pp. 337–342.
[2] *City Gazette*, March 12, 1827.
[3] *Ibid.*, Jan. 29, 1827.
[4] *Ibid.*, Feb. 20, 1827.

CHAPTER VIII

CALHOUN FORESEES TROUBLE. WEBSTER ENTERS THE SENATE. BOSTON CONFIDES HER MEMORIAL AGAINST HIGHER DUTIES TO HAYNE. THE CHARLESTON-HAMBURG RAILROAD BEGUN. "THE DAMNED TARIFF AND OUR FRIEND J. Q."

BETWEEN the close of the session of 1826–27 and the convening of that of 1827–28, under date of August 26, 1827, Calhoun wrote a letter to his most intimate confidant, in which he revealed his impressions of political conditions as they had taken shape in his mind, from the latter part of 1826 or the beginning of 1827. This letter is a most important contribution to our political history, for it discloses very thoroughly the reasons which induced Calhoun to abandon his broad and liberal interpretation of the Constitution, and that this change anticipated his breach with Jackson by fully four years. The letter is to James Edward Calhoun, and is in part as follows: "The political world has assumed a very boisterous appearance, which at the approaching session will probably work up into a storm. I never have seen such abundant elements of discord, much greater part of which springs by an almost necessary consequence out of the late Presidential election. There is a deep and settled conviction on the part of a large portion of the community, not only that Mr. Adams came in against the public voice, but that it was effected by a corrupt understanding with Mr. Clay. This impression so weakens the administration that to sustain themselves the most dangerous and corrupt means have been resorted to, as is generally thought. The employment of such

has in turn greatly inflamed the public mind, already deeply agitated by the circumstances attending the election. Among the means resorted to there is one in particular that, in my opinion, threatens danger to the Union — I mean that of arraying the great geographical interests of the Union against one another. The wisest men of the country have divided in opinion how far Congress has the power, and admitting they possess it, how far, on principle, encouragement may be given to domestic manufactures as connected with the great consideration of the defence and independence of the country. But whatever may be the diversity of opinion among the wise and patriotic, as to the discreet exercise of this great power of changing the capital and industry of the country, there cannot among such be any doubt that the power itself is highly dangerous, and may be perverted to purposes most unjust and oppressive. Through such an exercise of it one section of the country may really be made tributary to another, and by this partial action, artful and corrupt politicians may use nearly half of the wealth of the country to buy up partisans in order to acquire or retain power. This very use of it, many and they highly intelligent, below the heads of the administration, are attempting to employ. About a year ago a great excitement was got up in Boston by the capitalists, with a view professedly to give an increased duty on Woollens for their protection. A bill was reported to the House of Representatives, amounting in fact to a prohibition, and after much heat passed that body. It came to the Senate, where it was laid on the table by my casting vote. Since the adjournment an extensive scheme, originating, as it is thought, with those in power, has been got up, to have a general convention of the manufacturing interests at Harrisburg, avowedly to devise measures for the passage of this bill, and thus the dangerous example is set of separate representation and association of great geographical interests to promote their prosperity, at the expense of other interests

unrepresented and fixed in another section, which of all measures that can be conceived is calculated to give the greatest opportunity to art and corruption, and make two of one nation. How far the administration is involved in this profligate scheme, time will determine; but if they be, the curse of posterity will be on their head. In the mean time the South has commenced with remonstrating against this unjust and oppressive attempt to sacrifice their interest; and I do trust they will not be provoked to step beyond strict constitutional remedies. I have given a fuller view on this point, as I am of the impression that from it great events will spring. It must lead to defeat or oppression or resistance, or the correction of what perhaps is a great defect in our system: that the separate geographical interests are not sufficiently guarded. This for yourself." [1]

Despite the insinuations directed against Adams and Clay, which the close intimacy which had existed between them and Calhoun should have protected them against, this is the letter of a great and far-seeing statesman. It was not very long after this that he alluded in a letter to Monroe to the "very decided part" he "had taken" in the Presidential struggle in 1816 in favor of Monroe against Crawford; and his services to the country in so doing were not small; for if Calhoun had not blocked Crawford in 1816, it is not at all improbable, but extremely probable, that with the checking of the centripetal force of consolidation there would have arisen an accelerated centrifugal force, even more dangerous to the Federal Republic. Indeed, the ideal policy for the period would seem to have been, internal improvements, to facilitate intercourse between the sections, with munitions of war and the articles necessary to national defence, provided at home, no matter at what expense, and all duties on other articles imposed for revenue alone. This may be stated as the position of both Hayne and

[1] "Calhoun's Correspondence," pp. 249–251.

is a strong presentation, more of a protest than an extended argument. It was marked by breadth and patriotism. One clause certainly deserves reproduction, it is such a clear, succinct statement of the whole matter. "If the Act of 1816 be regarded in the nature of a compromise, its obligations were reciprocal; if the nation were bound to continue the protection then offered, the manufacturers were equally bound to conform to the system then established. Yet within a very short period that provision of the law was repealed by which the duty was to fall to 20 per cent, and in 1824 it was further raised to a rate nominally exceeding 33 per cent, making, in fact, 38 per cent, and Congress is again called upon for a very great advance."

While the business men of Boston were preparing their protest against any further increase of duties, the business men of Charleston gathered together for that determined effort which did not again cease until the railroad, from their city, was an accomplished fact. In the *City Gazette* of December 7, 1827, there appeared the following report of that important meeting: "By a call of the City Council, a public meeting of the citizens of the Parishes of St. Philip and St. Michael was held at the City Hall in the city at one o'clock yesterday, when on motion of James L. Petigru, Esq., His Honor the Intendant was called to the Chair and Edwin P. Starr appointed Secretary. The Chairman in his address explained the objects of the meeting. On motion of James L. Petigru, Esq., seconded by Colonel Cross, it was unanimously resolved: That a committee of twelve citizens be appointed to draft a memorial to our State Legislature, praying that a survey of the country between the Savannah and Ashley rivers may be made with a view to a canal that will connect them and also a survey of the country between Augusta and Charleston with a view to a railroad, and that measures be adopted to procure as early as possible all information, estimates of expense &c. touching this important subject. On motion

of Colonel Hunt it was resolved that the committee to be appointed do forthwith report to the meeting. It was resolved that the chairman of the meeting do appoint the committee, when the following gentlemen were so appointed, viz., James L. Petigru, Esq., Colonel George W. Cross, Colonel B. F. Hunt, John Robinson, Charles Edmonston, Ker Boyce, Robert Martin, William Washington, Thomas Fleming, Thomas Napier, James Jervey, & J. N. Cardozo, Esqs. All the gentlemen being present they retired; and after about half an hour's absence returned and Colonel Hunt read the memorial, which was unanimously accepted by the meeting."[1] The memorial referred to the depressed condition of the commerce of Charleston; showed how the city was calculated to be the commercial emporium of the large and productive region to the south and west, as far as the mountains, and even beyond, on account of the city's vicinity to the sea, and the facility of getting to sea in a few hours, etc., and expressed the belief that if a survey was made, the money for building could be raised. Within two weeks the charter was granted by the Legislature; but not being full enough was amended by an act passed January 30, 1828, in which the commissioners empowered to open books of subscription at Columbia, Camden, Hamburg and Charleston were named: William Law, David Ewart, James Boatwright, Thomas Lang, James S. Murray, Charles J. Shannon, Christian Brighthaupt, Paul Fitzsimons, Samuel L. Watt, Timothy Ford, Stephen Elliott and Rene Godard.[2] In the meantime the State, through the resolutions submitted by the special committee, consisting of Messrs. John Ramsay, S. D. Miller, H. Deas, Alfred Huger, D. R. Evans, W. B. Seabrook and Catlet Connor, had taken the position: "That the Constitution of the United States is a compact between the people of the different States with each other, as separate and independent sovereignties, and that for any violation

[1] *City Gazette*, Dec. 7, 1827.
[2] Statutes at Large, So. Ca., Vol. 8, pp. 354–355.

of the letter or spirit of that compact by the Congress of the United States, it is not only the right of the people, but of the Legislatures, who represent them, to every extent not limited, to remonstrate against violations of the fundamental compact. 2. That the acts of Congress passed in 1816, 1820 and 1824, known by the name of tariff laws by which manufactures are encouraged under the power to lay imposts, are violations of the Constitution in its spirit and ought to be repealed. 3. That Congress has no power to construct roads and canals in the States with or without the assent of the States in whose limits those internal improvements are made, the authority of Congress extending no further than to pass the necessary and proper laws to carry into execution their enumerated powers. 4. That the American Colonization Society is not an object of national interest, and that Congress has no power in any way to patronize or direct appropriations for the benefit of this or any other society." [1] And the senators and representatives were instructed to oppose all movements in these directions.

Such was the condition of affairs under which the tariff bill of 1828 was brought forward for action in Congress. In the discussion of details, Benton endeavored to induce the Senate to increase the duty on indigo, and upon the opposition of both Dickerson and Webster declared that "the friends of the American system had better assert at once to the South that they have no lot or portion under that system." [2] Hayne declared that "he was opposed to the bill in its principles as well as in its details. It could assume no shape which would make it acceptable to him or which could prevent it from operating most oppressively on his constituents, but with these views he had determined to make no motion to amend the bill in any respect whatever; but when such motions were made by others

[1] Ramsay, "Resolution on State Rights," Sweeny & Sims, State Printers, Columbia, South Carolina. At the Telescope Press, 1827.

[2] "Abridgment of the Debates of Congress," Vol. 9, pp. 596–603.

and he was compelled to vote on them, he knew no better rule than to endeavor to make the bill consistent with itself." On the 13th of May, after a speech at length in opposition from Hayne, in which he "entered a solemn protest against it as a partial, unjust and unconstitutional measure," the bill passed by a vote of 26 to 21. Five senators from New England voted against it, seven in its favor. Tennessee and Louisiana gave both one vote for and one against, the remainder of the senators from the South against; but the Middle States and the West supported it with a solid vote. Silsbee of Massachusetts voted against it, Webster for it. Up to the last minute, according to John Quincy Adams, Webster hesitated, telling the President that it would depend on "his and his colleague Silsbee's vote, and he expressed some doubt how he should vote." [1] With grim humor, the President records another expression of opinion of the annoyed statesman, "There was the damned tariff, and our friend J. Q. is as bad upon it as any of the rest." [2]

[1] "Memoirs of John Quincy Adams," Vol. 7, p. 534.
[2] *Ibid.*, Vol. 6, pp. 275.

CHAPTER IX

THE TEMPER OF SOUTH CAROLINA IN 1828. HAYNE REËLECTED BY UNANIMOUS VOTE TO THE SENATE. HIS FIRST CLASH WITH WEBSTER

THE temper of the South at this time has been accurately stated by Mr. McMaster in his declaration that the citizens of the states of the South, and especially those of South Carolina, "were convinced, and justly, that duties laid for protection bore with especial weight on the slave-holding States." [1] Proceeding, he observes: "When the twenty-eighth of June came, the day being the anniversary of the battle of Monmouth, the secessionists seized the occasion and celebrated it with toasts and speeches of a seditious sort." What particular interest the people of South Carolina had in the battle of Monmouth over any other indecisive battle fought at the North, one is at a loss to imagine; but fortunately the genial old Major Garden, who has been before quoted, informs us, under date of June 3, 1828, that "the Intendant and Wardens of Moultrieville have been pleased to fix on me to deliver an eulogy on Moultrie, on the spot where his glories were achieved on Sullivan's Island, on the 28th instant, the anniversary of the day on which the important battle was fought which covered him with glory." So we see what really was the occasion of the celebration. After prophesying that the tariff of 1828 will give rise to a "Blow," the Major adds: "All seem to be of one mind with regard to the tariff & I think a large majority in favor of dismissing our present

[1] "History of the People of the United States," Vol. 5, pp. 254–258.

President to make way for Jackson." The tariffs had made the people bitter. In the three years from 1825 the cotton crop had increased from 569,240 bales to 937,281. The price had held up well under the tariff of 1816, for three or four years, and what fall there was, could reasonably be accounted for from increased production; but after a temporary spurt upward in 1825, it dropped to about half the value, ranging from 8 cents to 14½ cents a pound, and in this year, 1828, from 8 cents to 11½ cents, with a reduced crop of but 712,000[1] bales. As their mainstay went down, by enactment their expenses were increased, and that, they believed, in its turn, forced down the price of their produce; for certain it was that with 25 per cent less cotton produced under the tariff of abominations, the price had still declined. The city of Charleston, in addition, was this year visited by an affection called the Dangue, with regard to which Major Garden says in one of his letters to Charles Manigault: "It would be useless to attempt an account of the variety of its symptoms; for no two people endured a similarity of suffering. It is said that Colonel Drayton was found in his study on the top of a table declaiming loudly against the tariff system." Then he enters into an account of his own experience, concluding with an interesting piece of news. "During the entire summer the violence of disease and pressure of pecuniary difficulty cast a gloom over our entire society that had never been previously known. . . . It was a lucky thing for me that immediately after my confinement the thought struck me that I might advantageously put into shape the mass of Revolutionary Anecdotes that have long been accumulating on my hands. I accordingly set seriously about it and in a little time completed my intended publication to my wish. The Press is now in labor and ready to bring forth my little Bantling. If it prove sound in wind and limb,

[1] "Memoir," the Cotton Plant Pamphlets, Vol. 16, Ser. 2, p. 61, Charleston Library Society.

I trust it will be cherished by the pap of public favor; but if misshapen & rickety, I should be sorry that my friends should patronize an abortion that I would blush to own. . . . We are all Jackson men here and anti-tariff to a man. The excitement is very great. Yankees were never in great credit here, even their consummate impudence could not gain them admission into society, but now they are in worse odor than ever. My poor friend General Pinckney (Thomas) said let me but see Jackson elected & I shall die contented; but the stroke of death was too near at hand, & he fell amidst the most sincere regrets of an admiring people." [1]

But if the genial, if somewhat hasty, old Revolutionary Major had forgotten the wording of his announced visit "to the North," only two years previous, "to wile away the summer months among the friends of our more youthful days, etc.," in his indiscriminate denunciation of "Yankees" there were others still faithful. The administration was not without friends and supporters in the State. Two of the daily papers of Charleston, the *City Gazette* and the *Courier*, were for Adams and attacking Jackson and Calhoun with acerbity, giving that brilliant phrase maker, Henry L. Pinckney, all he could do to explain his previous assaults upon the General. They also met the cry against the "Yankees" by the publication of the vote before mentioned, with the further showing that New England had been against the increase of duties by 22 to 16 in the House.[2]

Yet while Calhoun was assailed, Hayne was unanimously re-elected to the Senate, the first time in more than a decade that that had happened in South Carolina.

Giving Calhoun all credit for the greatest patriotism, it is difficult to avoid the belief that he realized the great possible advantage of stepping into Crawford's shoes. He might have thought

[1] Original letter in possession of Miss Ellen H. Jervey, Charleston, South Carolina.

[2] *City Gazette*, July 18, 1828.

that standing up in these would be a statesman in the place of a paralyzed politician; but whatever his thoughts, he began that careful movement in this year, 1828, which was not entirely completed until 1831. The *Exposition* was launched, although the author was not yet announced and known only to a few intimates; meanwhile in the United States Senate, Senator Smith had introduced the protest of South Carolina, which was supported by both of her senators in brief but pointed phrase. "Viewing the United States as one country," Hayne said, "the people of the South might almost be considered as strangers in the land of their fathers. The fruits of their industry had from the policy pursued by the Federal Government for many years been flowing to the North in a current, as steady and undeviating as the waters of the great Gulf; and as the sources of our prosperity were drying up, that reciprocal intercourse which had softened asperities and bound the different parts of the country together in the bonds of common sympathy and affection had in a great measure ceased. That close and intimate communion, necessary to a full knowledge of each other, no longer existed, and in its place there was springing up (it is useless to deny the truth) among the people in opposite quarters of the Union a spirit of jealousy and distrust, founded on a settled conviction, on the one part, that they are the victims of injustice, and on the other that our complaints, if not groundless, may be safely disregarded. . . . The Legislature of South Carolina coming directly from the people have, at their late session, with a unanimity without example, instructed their senators to lay this their protest before you. In obedience to that command my colleague and myself here in our places, in the presence of the representatives of the several States, and in the face of the whole American people, solemnly protest against the system of protecting duties as 'Unconstitutional, Oppressive and Unjust.'" [1]

[1] "Abridgment of the Debates of Congress," Vol. 10, p. 245.

In the early portion of the session of 1828–29, Hayne spoke but seldom. He supported with his vote two or three attempts on the part of his colleague, Senator Smith, to effect legislation, which were not successful; while he himself carried through, without opposition, a resolution which, as chairman of the committee on Naval Affairs, it fell to him to offer; but until the close of the session he did not take a prominent part in the discussions of the body. Nor does it seem from a scrutiny of the debates did Webster. The latter had, in the previous year, supported the tariff of 1828; but Dickerson, as chairman of the committee on Manufactures, had been more conspicuous. Webster had reported from the committee on Judiciary legislation of some importance; but in the two sessions he had attended, had hardly taken a distinct lead in any matter of moment. In the closing hours of this Congress, however, he did so. On February 27, 1829, four days before the expiration of Congress, he offered a resolution in reference to the abortive Panama mission: "Resolved that the President be requested to communicate to the Senate copies of the instructions given to the Ministers of the United States to the Congress of Panama; and of the communications of other Governments represented at that Congress to the Government of the United States; or so much thereof as may be communicated without detriment to the public interest." [1] Tazewell of Virginia immediately questioned the object, and Webster declared that it was to obtain information on "a highly interesting subject." Tazewell still objecting, Webster threw out the suggestion that the publication could be considered as an opportunity for the retiring President to vindicate his conduct, which had been censured. Hayne then interposed and, from his familiarity with the rules, made it clear that the resolution was not in order, and moved to lay it on the table, which, despite Webster's offer to amend and the support he received from Benton and

[1] "Abridgment of the Debates of Congress," Vol. 10, pp. 249–257.

McKinley, was ordered by a vote of 23 to 22. On the 3d of March the instructions were transmitted to Congress in a message from the President. Tazewell immediately moved a reference to the committee on Foreign Relations. Chambers, in the absence of Webster, moved that the message and documents be printed, against which Tazewell and Berrien spoke; while Holmes supported the motion. Hayne replied to Holmes, and the motion to print was lost by a vote of 18 to 24. At the extra session, immediately following the inauguration of Jackson, Webster succeeded in amending the wording of the resolution of transference to the legislative journal, by the incorporation therein of the words "or impropriety," so that it should read, "such transfer not to be considered either expressive of an opinion on the part of the Senate of the propriety or impropriety of the said message, or of the language used, the principles avowed or the measures suggested in said instructions." But the effort, renewed, to have the message printed, failed.

This controversy has been so fully dealt with, because, as it will appear later, there was an intimate connection with a much more famous one. It excited considerable feeling. In regretting the absence of Webster in the early part of the discussion, he only arriving in time to vote on Hayne's motion to table, Chambers had declared that he "had admired, although he did not believe he could have imitated, the conciliatory temper of his honorable friend (Webster)." Hayne, in reply, had observed that "the President might have caused the instructions to be printed and circulated without sending them to the Senate, and he could have had no objection to his doing so; but when the attempt was made to convert this House into the mere instrument for the accomplishment of such a purpose, he felt disposed to pause and inquire into the object intended to be accomplished by the proceeding." Chambers declared that he was unable to discover the force of the objection

urged by the senator from South Carolina; but from the vote of 24 to 18, in its support, it is evident that the Senate did. For his action in this matter, as well as in the defeat of the bill for the scientific expedition to the South Seas,[1] effected in conjunction with Tazewell, Hayne incurred the enmity of John Quincy Adams, in addition to giving a grievance to a much more redoubtable adversary.

[1] "Memoirs of John Quincy Adams," Vol. 8, p. 106.

CHAPTER X

"OUR FRIEND J. Q." HIS VARYING VIEWS ON VARIOUS SUBJECTS. HIS ESTIMATE OF WEBSTER AND OF HAYNE AND OF THE GREAT DEBATE

No adequate conception can be formed of Robert Y. Hayne without some consideration of the character of his harshest critic. John Quincy Adams was probably the most original character who has ever attained prominence in our national history. Intellectually, he was one of the strongest men this country has ever produced. Passionate, egotistical and ambitious, he was at the same time intensely religious, and this religious exaltation was sufficient to curb both his flaming passions and his towering ambition, as long as the first-named influence was moving counter to the last two; but when passion and religious ecstasy were blended, he became no longer amenable to any restraint. Up to an advanced age he was an athlete, enjoying that exposure to the risk of life and limb which can only be felt by those endowed with strength and courage; and if he could have looked upon others with more charity, and upon himself with less egotism, he might have been one of the greatest men this country has raised to the Presidency; but he was outstripped and superseded by men distinctly his inferiors, save in one quality he lacked, viz., the attractive force of human sympathy. No greater contrast can be found than that of his life, as his public actions show he lived it, and as his diary indicates he felt it. He had little respect for Webster, and in the Ninian Edwards investigation, where Webster viewed the matter differently from Calhoun and Adams, he accuses him of "a base-

ness in it that revolts me beyond measure." Yet this is the man he eulogizes as having "demolished" the "malignant Hayne."

In 1819, when he was Secretary of State, his objection to the right of search was so pronounced that he describes it as "a new principle of the law of nations more formidable to human liberty than the slave trade itself." [1] And at this date, with regard to the status of the negro in the United States, he puts himself on ground almost identical with that occupied by Hayne in his great speech against the Colonization Society in 1827. In his diary, in the spring of 1819, he sets out his views concerning the Society and the negroes as follows: "I would apprehend the Society, like all fanatical associations, is intolerant, will push and intrigue and worry, till I shall be obliged to take a stand and appear publicly among their opponents. . . . The object of the Society . . . as far as it would be practicable, would be productive of more evil than good. . . . I believe that the mass of colored people who may be removed to Africa by the Colonization Society will suffer more and enjoy less than they would should they remain in their actual condition in the United States." [2] Yet within ten months, while the halls of Congress were resounding with the stormy debate over the Missouri question, and, as the *National Intelligencer* puts it, at the time: "The balance of power vibrates, and the feelings of our politicians vibrate in sympathy," he writes: "Oh, if but one man could arise with a genius capable of supporting and an utterance capable of communicating those eternal truths that belong to this question, to lay bare in all its nakedness that outrage upon the goodness of God, human slavery, now is the time and the occasion upon which such a man would perform the duties of an angel upon earth." [3] He notes almost contemporaneously, however, that Clay has been "laboring for two years to get up a new party," [4] and the

[1] "Memoirs of John Quincy Adams," Vol. 4, p. 354.
[2] *Ibid.*, Vol. 4, p. 356. [3] *Ibid.*, Vol. 4, p. 525. [4] *Ibid.*, Vol. 4, p. 529.

thought suggests itself to him of an "extirpation of the African race by the gradually bleaching process of an intermixture where the white portion is already so predominant." [1] But the flame of sectionalism sank as suddenly as it arose. Monroe was renominated without any opposition, and the legislature of his own State, in the report of its committee on the free colored people of Massachusetts, dispelled this angelic dream and drove him back to the association of slave holders, and finally the Presidency, under the dominating influence of Clay. But as late as April 19, 1828, there seem to have been pleasant relations between Hayne and Adams,[2] and not until his defeat by Jackson in 1828 does there appear the least criticism of Hayne, the leader of the opposition in the Senate, during the entire period of the administration then coming to an end. Then, however, we are informed of "meetings at Hayne's lodgings of a violent character, as threatening disunion." [3] The characterization, when subsequently brought to Hayne's notice, elicited a denial; but when he later blocked Webster's move in behalf of the vindication of the President with regard to the Panama mission, Adams's bile rises against the South Carolinian. He does not allude to that, but makes the action of Hayne with regard to the bill for the scientific expedition to the South Seas the occasion for strictures indulged immediately after the final defeat of the effort to have his message relating to the Panama mission printed. On that date he complains that the bill for the scientific expedition was "defeated by Robert Y. Hayne of South Carolina, chairman of the Naval Committee and L. W. Tazewell of Virginia, both men of some talents; but whose sense of justice, of patriotism and truth is swallowed up by the passions of party combining in both with overbearing arrogance, rancorous tempers and in Tazewell, never dying personal hatred of me." [4] An examination of this

[1] *Ibid.*, Vol. 4, p. 531.
[2] *Ibid.*, Vol. 7, p. 513.
[3] *Ibid.*, Vol. 8, p. 83.
[4] *Ibid.*, Vol. 8, p. 106.

matter, as it appears in the "Abridgment of the Debates of Congress," shows nothing in Hayne's speech which could by any rational being be twisted into an unjust or unpatriotic declaration; while the claims made by him in his temperate utterance were so direct and positive, and so easy of refutation, if untrue, that it is impossible to imagine that they were other than exactly as stated. They were, in brief, that the Secretary of the Navy had asked for an appropriation of $50,000, for which a bill had been promptly drafted by the Naval Committee and reported, but that Congress had failed to act upon it. Then the House had passed a resolution on the subject, which had never been sent to the Senate; and on that the Secretary had started to incur expenses not only without any legal authority, but apparently beyond even the amount contemplated by the bills, which had failed to pass. Hayne seems to have defeated this bill, simply by securing the passage of a resolution, without a dissenting voice, requesting the President for information.

In the session of 1829–30 Hayne fully maintained the influential position which he had held from the time of his entrance into that body. In the opening days he exemplified this in the debate on the bill, explanatory of the act to reduce and fix the military peace establishment. His reply to Smith of Maryland and Holmes of Maine is as clear-cut and concise an argument as can be made concerning the value of a preamble for an act; while its application to the recent tariff bill drew an inadequate answer from Dickerson. Webster does not seem to have participated in this discussion at all. Incontestably he had not since his entrance in 1827 wielded that influence in the Senate he not unnaturally thought his due. He must have realized the inability of the members of his own faction to cope with Hayne. He bore the latter a slight grudge. He admitted that in his utterly unnecessary denial of the fact in his great speech. He therefore seized upon the

occasion presented by Senator Foote's resolution to inquire into the expediency of suspending the sales of the public lands, to precipitate an oratorical duel, and with the genius of a strategist he selected a position from which, if his assault failed, he could swiftly mount to the unassailable peak of his apotheosis to the Union. It was a magnificent conception, splendidly executed; but the fiction that in the debate he demolished his adversary, is unworthy of the great country that produced them both, and the section that finally triumphed in the *ultima ratio regum*, with which it was thrashed out. Of course if a peroration is all of a speech, and nothing else is to be considered, then it must be admitted that Webster, who caught and crystallized into one glowing passage the aspirations of his countrymen (as they had never before nor have ever since been portrayed), accomplished his aim; but as three speeches were delivered by each of the speakers, one peroration can scarcely suffice for all. The truth is, that the public has been unwilling to consider this contest fairly, and accordingly, the most magnanimous motives have been assigned to Webster. Parton, who is a very free quoter, credits Webster with the assertion: "The whole debate was a matter of accident. I had left the court pretty late in the day and went into the Senate with my court papers under my arm just to see what was passing. It so happened that Mr. Hayne very soon rose in his first speech. I did not like it and my friends liked it less."[1] Mr. Benton says: "Mr. Webster came into the field upon choice and deliberation, well feeling the grandeur of the occasion, and profoundly studying his part. He had observed during the summer the signs in South Carolina and marked the proceedings of some public meetings unfriendly to the Union, and which he ran back to the incubation of Mr. Calhoun. He became the champion of the Constitution and of the Union, choosing his time and occasion, hanging his speech upon

[1] Parton, "Life of Jackson," Vol. 3, p. 281.

a disputed motion with which it had nothing to do, and which was immediately lost sight of in the blaze and expansion of a great national discussion; himself armed and equipped for the contest glittering in the panoply of every species of parliamentary and forensic weapon, — solid argument, playful wit, biting sarcasm, classic allusion, and striking at a new doctrine of South Carolina origin, in which Hayne was not implicated; but his friends were — and that made him their defender."[1] Benton might have considered nullification "a new doctrine of South Carolina origin"; but Webster from New England knew its origin. That Hayne knew as much about its origin as his speeches indicated, was something of a surprise to Webster.

But why should there be such an effort to find out a motive for Webster's attack, when he inadvertently but distinctly states it himself, in his greatest effort: "There is nothing here, Sir, which gives me the slightest uneasiness, neither fear nor anger, nor that — which is sometimes more troublesome than either — the consciousness of having been in the wrong. . . . Nothing original, for I had not the slightest feeling of disrespect or unkindness towards the honorable member *some passages it is true had occurred since our acquaintance in this body which I could have wished otherwise; but I had used philosophy and forgotten them.*"[2] His very claim that he had forgotten, furnished the proof of his remembrance of the way barred to the vindication of President Adams, which, as the champion of the administration, he had failed to force, and also by whom it had been barred. Perhaps the fairest discussion that has ever been written of the great debate between Hayne and Webster is the description in "The Sectional Struggle," by Cicero W. Harris; but some extracts from the "Memoirs of

[1] Benton, "Thirty Years' View," Vol. 2, p. 187.

[2] "Webster's Second Speech, Debate on Foote's Resolution." Printed by A. E. Miller, 1830, So. Ca. Hist. Society, p. 38. (Italicized by author.)

John Quincy Adams" will illustrate the growth of the legend of the "demolition" of Hayne. We will find the Northern senators all (perfectly free from that "baseness," which in Webster, on a previous occasion, had so revolted Adams) animated to the loftiest eloquence; while Hayne and Benton, being actuated by low motives, strive desperately, only to their own undoing. "The assault was so rancorous and desperate that it roused the spirit of the East, and Webster and Sprague have made eloquent speeches in its defence. Holmes finished a powerful speech to-day." [1] And a little later: "The *National Intelligencer* had this day half a recent speech of Mr. Webster, which has been much celebrated in reply to a violent invective against him by R. Y. Hayne. It filled almost two sides of the paper, and the other half is to come on Thursday. It is defensive of himself and New England; but carries the war into the enemies' territory. It is a remarkable instance of readiness in debate. A reply of at least four hours to a speech of equal length. It demolishes the whole fabric of Hayne's speech, so that it leaves scarcely the wreck to be seen." But when the "malignant" Hayne had been removed from the stage, and Webster on a later occasion was developing with the greatest care the same argument, the keen intellect of the ex-President disposes of him in this fashion: "Mr. Webster is a very handsome speaker, but he over-labored a point as plain as day, and he hung his cause upon a broken hinge in maintaining that a government is not a compact." [2]

It should be mentioned that a week or two prior to the great debate between Hayne and Webster, the latter had presented the memorial of the South Carolina Canal and Railroad to Congress, praying a subscription from the government for 2500 shares, which he very handsomely explained had been confided to his hands from

[1] "Memoirs of John Quincy Adams," Vol. 8, pp. 190–193.
[2] *Ibid.*, Vol. 8, pp. 512–526.

no disrespect to the two senators from South Carolina; but solely because the petitioners were unwilling to trespass upon the reluctance of these gentlemen to present petitions which their opinions as to the constitutional powers of government would cause them to oppose.

CHAPTER XI

HAYNE'S SPEECH ON THE PUBLIC LANDS. WEBSTER'S ASSAULT UPON HAYNE

SPEAKING strictly to Foote's resolution concerning the public lands, Hayne had opposed the accumulation of a fund by the sale of such for that purpose; but had urged the granting of them to the States "on such terms and conditions as may fully indemnify us for the cost of the original purchase and all the trouble and expense to which we may have been put on their account." He stated that he was opposed to the policy of the public land being "reserved as a permanent fund for revenue"; he feared that "an immense national Treasury would be a fund for corruption"; he believed that "the very life of our system is the independence of the States and that there is no evil more to be deprecated than the consolidation of this Government."

Here we have an argument proceeding entirely along lines of national policy, the best way of using the public lands. "Perhaps, Sir," he continues, "the lands ought not to be entirely relinquished to any State, until she shall have made considerable advances in population and settlement. Ohio has probably reached that condition." Could anything be more temperate?

But he who is determined to provoke a contest or a controversy never troubles himself very much about a cause, and Webster, having decided to attack Hayne, made this his occasion. "Quite indifferent," as he admits, concerning the passage of the resolution, "yet," as he claims, "opinions were expressed by the gentle-

man from South Carolina so widely different from my own that I am not willing to let the occasion pass without some reply."

With this opening he proceeded to discuss some of these opinions, stating them to suit the assault he proposed to make upon them, and declared that "the Honorable Gentleman spoke of the whole course and policy of the Government towards those who have purchased and settled the public lands; and seemed to think the policy wrong. He held it to have been from the first hard and rigorous; he was of the opinion that the United States had acted towards those who had subdued the Western wilderness in the spirit of a step-mother; that the public domain had been improperly regarded as a source of revenue; and that we had rigidly compelled payment for that which ought to have been given away."

This was a misstatement of Hayne's contention, which was that "there were two great parties in this country who entertained very opposite opinions" in relation to the public lands. One, that "Congress has pursued not only a highly just and liberal course, but one of extraordinary kindness and indulgence . . . ; while the other party, embracing the entire West, insist that we have treated them from the beginning, not like heirs of the Estate, but in the spirit of a hard taskmaster, resolved to promote our selfish interest from the fruit of their labor." Stating what the policy was, in fact, he had declared it was "selling out from time to time certain portions of the public lands for the highest price that could possibly be obtained for them in open market,"[1] — a policy which he declared to be different from that of every other nation that had ever attempted to establish colonies or create States. Then alluding to the policy under which he claimed the whole Atlantic coast had been settled, he had announced it as based upon "the belief that the conquest of a new country, the driving out the 'savage beasts and

[1] "The Several Speeches on Foote's Resolution, by Hayne and Webster." Printed by A. E. Miller, 1830, So. Ca. Hist. Society, Hayne's first speech, p. 4.

still more savage men,' cutting down and subduing the forests and encountering all the hardships and privations necessarily incident to the conversion of the wilderness into cultivated fields was worth the fee simple of the soil," and "submitted to the candid consideration of gentlemen, whether the policy so diametrically opposed to this, which has been invariably pursued by the United States towards the new States in the West, has been quite so just as we have been accustomed to believe?" [1]

Can any one, in whom the sense of justice is even dormant, assert that this is what Webster stated as Hayne's opinion? But when, looking farther into Hayne's speech, we find that he distinctly suggests, "The relinquishment may be made by a sale to the State at a fixed price, which I will not say should not be nominal; but I certainly should not be disposed to fix the amount so high as to keep the States for any length of time in debt to the United States," [2] how can any reasonable being believe that Webster understood Hayne to contend, as he claimed he did, that "we had rigidly compelled payment for that which ought to have been given away?" [3]

Having erected, however, his man of straw, Webster proceeded to knock it down. He denied that there had been anything harsh or severe in the policy of the government towards the new States of the West, and after reiterating the charge that the Honorable Member thinks the lands should have been given away, he considers the statement that "the administration of a fixed revenue only consolidates the government and corrupts the people." Even this is not a correct statement of Hayne's position; but it is not so glaringly incorrect as the first, and on it Webster drives in a powerful argument, based upon the letter in which the framers of the Constitution submitted that instrument to the country. In-

[1] *Ibid.*, p. 5.
[2] *Ibid.*, p. 9.
[3] *Ibid.*, Webster's first speech, p. 11.

cidentally, he charges that "persons in the part of the country from which the Honorable Member comes, speak of the Union in terms of indifference or even disparagement." Passing on from this, however, he deliberately asserts: "I come now, Mr. President, to that part of the gentleman's speech which has been the main occasion of my addressing the Senate. The East! The obnoxious, the rebuked, the always reproached East! We have come in, Sir, on this debate, for even more than a common share of accusation and attack." But he realizes that this is too full a draft for any one to swallow, so quickly adds: "If the Honorable Member from South Carolina was not our original accuser, he has yet recited the indictment against us with the air and tone of a public prosecutor. . . . And the cause of all this narrow and selfish policy, the gentleman finds in the tariff — I think he called it the accursed policy of the tariff." In this partly playful misstatement, at the expense of the experienced debater before him, Webster ventured on dangerous ground. But from it he passed to other points, taking occasion to compare the free States with the slave States, to the disadvantage of the latter. In conclusion, he stated that he had "felt it his duty to vindicate the State he represented from charges and imputations on her public character and conduct, which he knew to be undeserved and unfounded."

It was a clever, disingenuous, provocative speech, in which the distinct statement is made that "the main occasion" for it was the charge made against the East of a "narrow and selfish policy of endeavoring to restrain emigration to the West and of maintaining a steady opposition to Western measures and Western interests." By easy gradations he passed from the East to New England, and later "the State he represented," with regard to which, not one word can be found in Hayne's speech. It was an irritating speech, and doubtless meant to be. It was to tempt the one attacked to a reply, after which he would be overwhelmed by the real speech, with

regard to which, as Benton might have expressed it, as he does insinuate, Webster was lying in, to be delivered of. Superbly confident of his splendid strength, he carelessly invited the storm; but his subsequent tone and utterance indicated that he had by no means accurately gauged the force of the tempest which broke on him. Careless is the proper word; for no greater contrast can be found between two speeches than the nonchalant, flippant, offensive style of his first speech, and the wary, painstaking, deliberately defensive attitude assumed in the second and supreme effort. In this latter there were counter attacks; for he was too great a master of his art not to know that by such alone can the defence be made effective; but it is apparent that, starting upon the offensive, with confidence from his past triumphs in the House so great, he actually dropped back into the use of the word "member," he passed over to the defensive. The very misleading title with which his speeches are generally lumped together and published without Hayne's, indicates this; for while he was the aggressor, his effort is styled without any differentiation of parts, "Webster's Reply to Hayne." With supreme skill, under as burning a fire as ever debater was subjected to, disclosing in the mighty effort with which he extricated himself the wounds he had received, he delivered a powerful but not complete blow at *nullification*, and, mounting to an unassailable position, grandly apotheosized the flag under whose ample folds he found the "shadow of a great rock in a weary land." The transcendent beauty of that apotheosis awoke the spirit of nationality and thrilled it as it had never been thrilled before. To-day those phrases still thrill the pulse of the people, and the vast majority of men are incapable of accurately estimating that portion of the speech which preceded it, or the fire of the adversary for which it was alone the adequate response.

Webster was a mighty genius; Hayne was not abnormal, therefore it is doubtful whether he could be called a genius, in one

accepted sense of the word. He had not received the advantages of education which had been bestowed upon Webster, and, to a great extent, was a self-educated man. But the grasp of his mind was immense, the profundity of his judgment has not yet been fully fathomed and his readiness in debate has never been surpassed, if it has been equalled. In argument, his speech, with the exception of the justification of nullification as a constitutional remedy, a hopeless task for the strongest, went beyond Webster's, and in the effective use of sarcasm he shone more brightly. In beauty of diction he rose to a lofty height, and if he failed to reach the inaccessible peak to which, on strong pinion, Webster soared in his peroration, in justice to him it should be remembered that his cause gave him none such to mount to. But in addition to what has been claimed for him, he used with telling effect a weapon with which his adversary's armory was not furnished. The glorious triumphs of the New Englander, in a cause which he had finally abandoned, but in the righteousness of which it was impossible for him not to have continued to believe, were fashioned into whips with which to scourge him, and this Webster felt, keenly, as his great speech indicates. But enough has been said to bring fairly before the reader Hayne's reply to Webster's assault. It opened with an easy, natural clearing away of the misstatements concerning his own speech on the public lands, and this being accomplished, he took the offensive and drove home point after point, which it was impossible to answer.

CHAPTER XII

HAYNE'S REPLY TO WEBSTER

In reply to Mr. Webster, Mr. Hayne rose and said: "When I took occasion, Mr. President, two days ago, to throw out some ideas with respect to the policy of the government in relation to the public lands, nothing certainly could have been further from my thoughts than that I should be compelled again to throw myself upon the indulgence of the Senate. Little did I expect to be called upon to meet such an argument as was yesterday urged by the gentleman from Massachusetts (Mr. Webster). Sir, I questioned no man's opinions, — I impeached no man's motives, — I charged no part or state or section of country with hostility to any other, but ventured, I thought, in a becoming spirit, to put forth my own sentiments in relation to a great question of public policy. Such was my course. The gentleman from Missouri (Mr. Benton), it is true, had charged upon the Eastern States an early and continued hostility towards the West, and referred to a number of historical facts and documents in support of that charge. Now, Sir, how have those different arguments been met? The Honorable Gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England; and instead of making up his issue with the gentleman from Missouri on the charges which he had preferred, chooses to consider me as the author of these charges, and losing sight entirely of that gentleman, selects me as his adversary, and pours out all the vials of his mighty wrath upon my devoted head. Nor

is he willing to stop there. He goes on to assail the institutions and policy of the South, and calls in question the principles and conduct of the State, which I have the honor in part to represent. When I find a gentleman of mature age and experience, of acknowledged talents and profound sagacity, pursuing a course like this, declining the contest offered from the West, and making war upon the unoffending South, I must believe — I am bound to believe, — he has some object in view that he has not ventured to disclose." [1]

Up to this point the opening could not have been improved upon. Not unnaturally, Hayne proceeded with his insinuation that Webster feared an encounter with Benton; but that broadening of the charge afforded an opportunity for a reply to this otherwise unassailable statement of his case. His development of the theme, his allusion to "the ghost of the murdered coalition come back like the ghost of Banquo to 'sear the eyeballs' of the gentleman," was a pretty bit of fancy, but rather dangerous playfulness in which to sport with such an adversary as Webster. But from then, addressing himself to the argument, Hayne makes, in its comprehensive conciseness, a powerful point at the very outset: "The gentleman from Massachusetts, in reply to my remarks on the injurious operation of our land system on the prosperity of the West, pronounces an extravagant eulogium on the paternal care which the Government had extended towards the West, to which he attributed all that was great and excellent in the present condition of the new States. The language of the gentleman on this topic fell on my ears like the almost forgotten tones of the Tory leaders of the British Parliament at the commencement of the American Revolution. They, too, discovered that the colonies had grown great under the fostering care of the mother country; and I must confess, while listening to the gentleman, I thought the

[1] "The Several Speeches on Foote's Resolution," Hayne's second speech, p. 1.

appropriate reply to his argument was to be found in the remark of a celebrated orator made on that occasion, 'They have grown great in spite of your protection.'"

Just at this point, Hayne suspended his argument for a moment to hold up to ridicule, by an exhibition of keen sarcasm, a piece of hyperbole Webster had been so indiscreet as to have indulged in while launching his attack. "The gentleman, in commenting on the policy of the Government in relation to the new States, has introduced to our notice a certain Nathan Dane of Massachusetts, to whom he attributes the celebrated ordinance of '87, by which he tells us 'slavery was forever excluded from the new States north of the Ohio.' After eulogizing the wisdom of this provision in terms of the most extravagant praise, he breaks forth in admiration of the greatness of Nathan Dane — and great, indeed, he must be, if it be true, as stated by the Senator from Massachusetts, that he was greater than Solon and Lycurgus, Minos, Numa Pompilius and all the legislators and philosophers of the world, ancient and modern. Sir, to such high authority it is certainly my duty, in a becoming spirit of humility, to submit, and yet the gentleman will pardon me, when I say that it is a little unfortunate for the fame of this great Legislator, that the gentleman of Missouri should have proved that he was not the author of the ordinance of '87, on which the Senator from Massachusetts has reared so glorious a monument to his name. Sir, I doubt not that the Senator will feel some compassion for our ignorance when I tell him, that so little are we acquainted with the modern great men of New England that until he informed us yesterday that we possessed a Solon and a Lycurgus in the person of Nathan Dane, he was only known to the South as a member of a celebrated assembly called and known by the name of the 'Hartford Convention.' In the proceedings of that assembly, which I hold in my hand (at page 19), will be found in a few lines the history of

Nathan Dane, and a little further on there is conclusive evidence of that ardent devotion to the interests of the new States which it seems has given him a just claim to the title of the 'Father of the West.' By the second resolution of 'The Hartford Convention' it is declared, 'that it is expedient to attempt to make provision for restraining Congress in the exercise of an unlimited power to make new States and admitting them into the Union! So much for Nathan Dane of Beverly, Massachusetts!" [1]

After this, the most brilliant essays of Webster, in the same line, seem to lack a little in lightness of touch.

Having disposed of Nathan Dane, Hayne takes up that portion of Webster's speech concerning which the latter had declared had been mainly induced by Hayne's argument on the disposition of the public lands. He states his own argument and Webster's, and produces in support of his own a speech by Webster delivered in the House in 1825, and forcibly comments on their similarity. "In 1825 the gentleman told the world that the public lands 'ought not to be treated as treasure.' He now tells us 'they must be treated as so much treasure.' What the deliberate opinion of the gentleman on the subject may be, it belongs not to me to determine; but I do not think he can, with the shadow of justice or propriety, impugn my sentiments, while his own recorded opinions are identical with my own." Taking up Webster's contention, that inasmuch as the public lands are "for the common benefit of all the States, they can only be treated as so much treasure," he argues that the facilitation of the formation of new States is the best way to promote the common benefit of all the States, and preferable to the measurement of political benefits by the money standard. Then passing to the charge of the South's hostility to the West, manifested by their opposition to appropriations for internal improvement, he calls to mind that the accuser acknowl-

[1] "The Several Speeches on Foote's Resolution," Hayne's second speech, p. 3, *et seq.*

edged that the South entertains constitutional scruples on the subject and then inquires: "Are we then, Sir, to understand that the gentleman considers it a just subject of reproach, that we respect our oaths by which we are bound to 'preserve, protect and defend the Constitution of the United States'? Would the gentleman have us manifest our love to the West by trampling under foot our constitutional scruples? Does he not perceive, if the South is to be reproached with unkindness to the West, in voting against appropriations, which the gentleman admits they could not vote for without doing violence to their constitutional opinions, that he exposes himself to the question whether, if he was in our situation, he could vote for these appropriations, regardless of his scruples?"

But extracts from a speech, which from one end to the other fairly bristles with points scored, give but little idea of it — the speech should be read in conjunction with Webster's rejoinder, and the utter inability of that genius to answer many of the thrusts with which it abounds is its claim to praise.

Hayne did not avoid the argument with regard to slavery, but fairly stating it, temperately and firmly met the issue. He said: "In contrasting the State of Ohio with Kentucky, for the purpose of pointing out the superiority of the former, and of attributing that superiority to the existence of slavery in the one State and its absence in the other, I thought I could discern the very spirit of the Missouri question intruded into this debate for objects best known to the gentleman himself. Did that gentleman, Sir, when he formed the determination to cross the Southern border, in order to invade the State of South Carolina, deem it prudent or necessary to enlist under his banners the prejudices of the world, which like Swiss troops may be engaged in any cause and are prepared to serve under any leader? Did he desire to avail himself of those remorseless allies, the passions of mankind, of which it may be more truly said than of the savage tribes of the wilderness, 'that

their known rule of warfare is an indiscriminate slaughter of all ages, sexes and conditions'? Or was it supposed, Sir, that in a premeditated and unprovoked attack upon the South it was advisable to begin by a gentle admonition of our weakness in order to prevent us from making that firm and manly resistance due to our own character and our dearest interests? Was the significant hint of the weakness of the slave-holding States when contrasted with the superior strength of the free States — like the glare of the weapon half drawn from its scabbard — intended to enforce the lessons of prudence and patriotism which the gentleman had resolved, out of his abundant generosity, gratuitously to bestow upon us? Mr. President, the impression which has gone abroad of the weakness of the South as connected with the slave question exposes us to such constant attack, has done us so much injury, and is calculated to produce such infinite mischiefs, that I embrace the occasion presented by the remarks of the gentleman from Massachusetts to declare that we are ready to meet the question promptly and fearlessly." That question, he does then discuss, in a truly fair and liberal spirit for a slave-holder; but in addition he shows what the representatives of the Northern manufacturing interests thoroughly recognized, and on account of which they almost invariably sided with the South on all questions save that of the tariff, viz., that "the States north of the Potomac actually derive greater profits from the labor of our slaves than we do ourselves." Hayne did not content himself with asserting this; he proved it by figures. But when he left this point and proceeded to expatiate upon the beneficial influences of slavery upon individual and national character, he placed himself upon such slippery ground that the presentments of his own district Grand Jury, and his own efforts with D. E. Huger and other far-sighted men to stem the evil, condemned his argument so positively that not even the illustration of Washington as a slave-holder could establish it.

With regard to Webster's strong point on consolidation, he shows that his authority supports consolidation of the Union; while what he (Hayne) objected to, was consolidation of the government, a rather fine distinction. Then he takes up the tariff, and on that point fairly kills his adversary with kindness, painting his glorious past, until the blaze of its brilliancy scorches the back turned upon it: the rare illustration of eulogy turned into a weapon. As grand a tribute as was ever bestowed by a rival, the absolute sincerity of it evinced by the speaker's ill-concealed contempt for the opposing argument, with which Clay attempted to meet it at the time of its delivery. Poor Webster! undoubtedly his own opinion of his performance and his exact thought of Clay's. How could he hope to reply to it? He could not, and did not. Here is Hayne's masterly handling of that point: "The Senator from Massachusetts, in alluding to the tariff, becomes quite facetious. He tells us that he hears nothing but tariff! tariff! tariff! and if a word could be found to rhyme with it, he presumes it would be celebrated in verse and set to music. Sir, perhaps the gentleman in mockery of our complaints may be himself disposed to sing the praises of the tariff in doggerel verse to the tune of 'Old Hundred.' I am not surprised, however, at the aversion of the gentleman to the very name of tariff. I doubt not that it must always bring up some very unpleasant recollections to his mind. If I am not greatly mistaken, the Senator from Massachusetts was a leading actor at that great meeting got up in Boston in 1820 against the tariff. It has been generally supposed that he drew up the resolutions adopted by that meeting, denouncing the tariff system as unequal, oppressive and unjust; and, if I am not mistaken, denying its constitutionality. Certain it is that the gentleman made a speech on that occasion in support of those resolutions denouncing the system in no very measured terms; and if my memory serves me, calling its constitutionality in question. I regret that I have not been able to

lay my hands on those proceedings; but I have seen them, and I cannot be mistaken in their character. At that time, Sir, the Senator from Massachusetts entertained the very sentiments in relation to the tariff which the South now entertains. We next find the Senator from Massachusetts expressing his opinion on the tariff as a member of the House of Representatives from the city of Boston in 1824. On that occasion, Sir, the gentleman assumed a position which commanded the respect and admiration of his country. He stood forth the powerful and fearless champion of free trade. He met in that conflict the advocates of restriction and monopoly, and 'they fled from before his face.' With a profound sagacity, a fulness of knowledge and a richness of illustration that has never been surpassed, he maintained and established the principles of commercial freedom on a foundation never to be shaken. Great, indeed, was the victory achieved by the gentleman on that occasion, most striking the contrast between the clear, forcible and convincing arguments by which he carried away the understandings of his hearers and the narrow views and wretched sophistry of another distinguished orator, who may be truly said to have 'held up his farthing candle to the sun.' Sir, the Senator from Massachusetts on that, the proudest day of his life, bore away upon his shoulders the pillars of the temple of error and delusion, escaping himself unhurt, and leaving his adversaries overwhelmed in its ruins.

"Then it was that he erected to free trade a beautiful and enduring monument, and 'inscribed the marble with his name.' Mr. President, it is with pain and regret that I now go forward to the next great era in the political life of that gentleman, when he was found on this floor, advocating and finally voting for the tariff of 1828 — that 'bill of abominations.' By that act, Sir, the Senator from Massachusetts has destroyed the labors of his whole life and given a wound to the cause of free trade, never to be healed. Sir, when I recollect the position which that gentleman once occu-

pied, and that which he now holds in public estimation, in relation to this subject, it is not at all surprising that the tariff should be hateful to his ears. Sir, if I had erected to my own fame so proud a monument as that which the gentleman built up in 1824, and I could have been tempted to destroy it with my own hands, I should hate the voice that should ring 'the accursed Tariff' in my ears. I doubt not the gentleman feels very much in relation to the tariff as a certain knight did to instinct, and with him would be disposed to exclaim:

"'Ah! no more of that, Hal, an thou lovest me.'"

From this point Hayne proceeded to his eulogy upon South Carolina, which, as beautiful as it is, it is not necessary to insert, it being one of the few extracts generally used to represent his speech when quoted. With the patriotism of South Carolina in the Revolutionary War, he contrasted the behavior of the Federalists in Massachusetts during the War of 1812, especially excepting the democracy of the latter State from any criticism, and, indeed, bestowing upon them unstinted praise. "Sir," he exclaimed, "I will declare that highly as I appreciate the democracy of the South, I consider even higher praise to be due to the democracy of New England, who have maintained their principles through good and through evil report, and at every period of our national history have stood up manfully for their country, their whole country, and nothing but their country." With regard to the Federalists, however, he sustained his indictment with a veritable flood of quotations from speeches, resolutions, etc., threatening the Union, in the course of which appeared an allusion to John Quincy Adams as authority for the existence of such a state of mind in New England, quoted from Jefferson's works, which gave the ex-President great offence, he complainingly noting that it was not answered.[1] Objurgation,

[1] "Memoirs of John Quincy Adams," Vol. 8, p. 187.

imprecation, from the rostrum and the pulpit, Hayne poured them forth, concluding with: "'Those Western States which have been violent for this abominable war (1812), God has given them blood to drink,'— Mr. President, I can go no further — the records of the day are full of such sentiments, issued from the press — spoken in public assemblies — poured out from the sacred desk! God forbid, Sir, that I should charge the people of Massachusetts with participating in those sentiments. The South and West have had their friends — men who stood by their country, though encompassed all around by their enemies — the Senator from Massachusetts (Mr. Silsbee) was one of them; the Senator from Connecticut (Mr. Foot) was another, and there were others now on this floor. The sentiments I have read were the sentiments of a party embracing the political associates of the gentleman from Massachusetts (Mr. Webster). If they could only be found in the columns of a newspaper, in a few occasional pamphlets, issued by men of intemperate feeling, I should not consider them as affording any evidence of the opinions, even of the peace party of New England. But, Sir, they were the common language of the day, they pervade the whole land — they were issued from the legislative hall — from the pulpit and the press — our books are full of them; and there is no man who now hears me but knows that they were the sentiments of the party by whose members they were promulgated. . . . What must be the state of public opinion where any respectable clergyman would venture to preach and print sermons containing the sentiments I have quoted? I doubt not the piety or the moral worth of these gentlemen; I am told they were respectable, and pious men. But they were men, and 'they kindled in a common blaze.' And now, Sir, I must be suffered to remark, that at that awful and melancholy period of our national history, the gentleman from Massachusetts, who now manifests so great a devotion to the Union and so much anxiety lest it should be endangered from the South,

was 'with his brethren in Israel.' He saw all these things passing before his eyes; he heard those sentiments uttered all around him. I do not charge that gentleman with any participation in those acts, or with approving those sentiments. But I will ask why, if he was animated by the same sentiments then which he now professes, if he can 'augur disunion at a distance and snuff rebellion in every tainted breeze,' why did he not at that day exert his great talents and acknowledged influence with the political associates by whom he was surrounded (and who looked up to him for guidance and direction) in allaying this general excitement; in pointing out to his deluded friends the value of the Union; in instructing them, that instead of looking 'to some prophet to lead them out of the land of Egypt,' they should become reconciled to their brethren, and unite with them in the support of a just and necessary war. Sir, the gentleman must excuse me for saying that if the records of our country afforded any evidence that he had pursued such a course; if we could find it recorded in the history of those times, that like the immortal Dexter, he had breasted that mighty torrent which was sweeping before it all that was great and valuable, in our political institutions; if, like him, he had stood by his country, in opposition to his party, Sir, we would, like little children, listen to his precepts and abide by his counsels." To answer this was impossible; to survive it one must needs be a Webster. In conclusion, Hayne addressed himself to the argument on which nullification was based, viz., " that if the Federal Government in all or any of its departments are to prescribe the limits of its own authority; and the States are bound to submit to the decision and are not to be allowed to exercise and decide for themselves when the barriers of the Constitution shall be overleaped, this is practically 'a Government without limitation of powers'; the States are at once reduced to mere petty corporations, and the people are entirely at your mercy." He supported it upon the Republican doctrine of '98,

and the Virginia and Kentucky resolutions, quoting also the resolutions of 1809 passed at Faneuil Hall, Boston; but losing sight of the more important ones of 1811; and he leaves Webster to explain, if he can, his own allusion to the Embargo Act as "dangerous to the being of the Government," as would be illustrated by "constitutional opposition." But to Hayne's practical mind, something more he feels is necessary, and he adds: "The South is acting on a principle she has always held sound — resistance to unauthorized taxation. . . . Sir, if in acting on these high motives, if animated by that ardent love of liberty which has always been the most prominent trait in the Southern character, we should be hurried beyond the bounds of cold and calculating prudence, who is there with one noble and generous sentiment in his bosom that would not be disposed in the language of Burke to exclaim, 'You must pardon something to the spirit of liberty'?"

CHAPTER XIII

WEBSTER'S REJOINDER TO THE REPLY

It was now the turn of him, whom history names as the greatest orator of our country, to sustain the thread of the debate. It had taken Hayne, rising the day after the delivery of Webster's assault upon him, with regard to the public lands, two congressional days, or about four hours, to complete his reply. He had demolished Webster's arguments with regard to the public lands; but he had found himself unavoidably drawn into a defence of nullification. Webster's first speech was that portion of his force with which he aimed to contain the enemy and draw him from the original ground of the discussion to this latter subject. This he had accomplished, and the way was now open for his real speech; but he had scarcely anticipated such a demolition of his own first effort, and he therefore felt it necessary to attempt to knit it into some semblance of argument again before absolutely abandoning it. Also he distinctly felt not a few of the thrusts inflicted by his opponent and desired to repay them in kind, which he was, indeed, quite capable of accomplishing. Yet the very opening of his speech is a great compliment to Hayne: the tone of superiority, of easy confidence, is gone, and we have a man of immense power, it is true, and wonderful address; but one nevertheless, for all his force, advancing with the greatest caution and deliberation. He feels that it is necessary for him to exert every effort of which he is capable, and even to gloss over some unanswerable points with palpable misstatements. His condition could not have been better stated than in his own

words: "When the mariner has been tossed for many days, in thick weather and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude and ascertain how far the elements have driven him from his true course." Then, after asking and obtaining the reading of the resolution, he comments on it as follows: "We have thus heard, Sir, what the resolution is, which is actually before us; and it will readily occur to every one, that it is almost the only subject about which something has not been said in the speech running through two days by which the Senate has been entertained by the gentleman from South Carolina. . . . He has spoken of everything but the public lands. They have escaped his notice."

This was not only a misstatement, but a very absurd one; for not alone Hayne's speech, but his own subsequent efforts to meet the arguments on that point, disclose the absolute lack of truth of the charge. He then finds fault with Hayne for refusing to postpone the debate, and makes much of the latter's alleged use of the word "rankle." He disclaims any feeling against Hayne, although in the very next breath he makes mysterious allusion to those "passages" which "it is true had occurred since our acquaintance in this body, which I could have wished might have been otherwise, but I had used philosophy and forgotten them." Playing still with the word "rankling," and with some skill, he rather ostentatiously boasts of his adversary's thrusts, that "whether his shafts were or were not dipped in that which would have caused rankling, there was not, as it happened, strength enough in the bow to bring them to their mark. . . . They will not be found fixed and quivering in the object at which they were aimed." This is undoubtedly a pretty bit of phrasing, but not entirely convincing. His play upon Hayne's charge, that he had slept on his (Hayne's) speech, is a specimen of true wit. His answer to the inquiry why he attacked Hayne instead of Benton, is not worthy of him; but

he seizes upon the intimation that it was from fear of Benton, and makes it the occasion of a spirited rebuke to Hayne and a defiance of both Benton and himself. By overlaboring this, however, with the angry declaration that "if provoked into crimination and recrimination, the honorable member may perhaps find that in that contest there will be blows to take as well as blows to give; that others can state comparisons as significant at least as his own, and that his impunity may, perhaps, demand of him whatever powers of taunt and sarcasm he may possess," he disproves his previous boast that there was not strength enough in the bow to bring his adversary's shafts to the mark. His reply, also, to the insinuation concerning the coalition, while cutting in the extreme and bitterly scornful, is too abusive to permit a belief in the absence of feeling claimed. But his attempt to reanimate poor Nathan Dane is a feeble performance: "A worthy man, Mr. Dane. . . . Sir, if the honorable member has never before heard of Mr. Dane, I am sorry for it. It shows him less acquainted with the public men of the country than I had supposed. Let me tell him, however, that a sneer from him at the mention of the name of Mr. Dane is in bad taste." This is eminently proper, but a far cry from Solon and Lycurgus. From this point he moves on to the Hartford Convention, of which he declares he knows nothing and has never read its journal; but is nevertheless quite sure that other conventions "have gone a whole bar's length beyond it." So far, however, as a spirit can be discovered in its proceedings, in any degree resembling that which was avowed and justified in those other conventions, he would be as ready "to bestow on them reprehension and censure." But whatever force there was in this, was most materially weakened by the stinging cut aimed, in a preceding passage, at the discoverer who had ventured to reveal such in his section: "However uninformed the honorable member may be of characters and occurrences at the North, it would seem that he has at his elbow

on this occasion some high-minded and lofty spirit, some magnanimous and true-hearted monitor, possessing the means of local knowledge and ready to supply the honorable member with everything, down to forgotten and moth-eaten two-penny pamphlets, which may be used to the disadvantage of his own country." This was a great slip; it was yielding to Hayne ground for his contention, that his adversary was inclined to overlook what happened in his own section, while so ready to rebuke the South. Passing on to a consideration of the subject which he had declared in his first speech was the main occasion of his addressing the Senate, apparently now oblivious of the charge that Hayne had "spoken of everything but the public lands, — they escaped his notice, — " he critically considers the latter's argument, elaborates the pointed application from the speech delivered in the British Parliament, tells us by whom it was made; but maintains, "Sir, this fervid eloquence of the British speaker, just when and where it was uttered, and fit to remain an exercise for the schools, is not a little out of place when it is brought thence to be applied here to the conduct of our own country towards her own citizens."

Then he defends himself rather laboriously from the charge of inconsistency in his present and past positions as to the fund to be derived from the sale of the public lands, and by dint of repeated and unblushing misstatements of Hayne's argument, already exhibited, succeeds in patching up something which may stand, if the speech of his adversary is not read.

With regard to the brilliant passage in which Hayne had eulogized him for the part he had played in 1824, his comment is mild, as it had to be: "He pays undeserved compliment to my speech in 1824; but this is to raise me high, that my fall, as he would have it, in 1828, may be the more signal." Yet his exculpation is not without force. Reciting the history of tariff legislation, in which, at the outset, he certainly opposed such more strenuously than either

Lowndes or Calhoun, he declares it became the law of the land, and inquires: "What, then, were we to do? Our only option was either to fall in with this settled course of public policy, and accommodate ourselves to it, as well as we could, or to embrace the South Carolina doctrine, and talk of nullifying the statute by State interference." The sincerity of this claim, however, is affected by the entry in John Quincy Adams's diary of May 7, 1828, before quoted. Referring again to the Hartford Convention, he takes much stronger ground, and inquires of Hayne whether he referred to it for authority or for a topic of reproach, and he makes the strong point that in Hayne's eyes: "The thing itself, then, is a precedent; the time and manner of it only subject of censure. Now, Sir, I go much farther on this point than the honorable member. Supposing . . . that the Hartford Convention assembled for any such purpose as breaking up the Union . . . then I say the meeting itself was disloyal and obnoxious to censure, whether held in time of peace or time of war, or under whatever circumstances." This was the true presentation, and if he could only have pointed to some such declaration at the time from himself, he would have had Hayne at his mercy; but that still remained unexplained. To cure the trouble, he resorted to a challenge which it is true Hayne failed to meet, from a lack of knowledge which can scarcely be attributed to Webster, much nearer the scene and within a year or two of his entrance into Congress. "Let us follow up, Sir," he says, "this New England opposition to the embargo laws . . . till we discern the principle, which controlled and governed New England throughout the whole course of that opposition. . . . There was heat, there was anger in her political feelings . . . Be it so; but did she propose the Carolina remedy? Did she threaten to interfere by State authority to annul the laws of the Union? That is the question for the gentleman's consideration."

She certainly did; but unfortunately for Hayne, at a date when he was so occupied that he had probably no time to note anything beyond the press of his duties, accumulated by his approaching examination for the bar and Mr. Cheves's departure to Congress. The Faneuil Hall resolutions of March 30, 1811, have already been pointed out. They declared the act of March 2, 1811, "*ex-post facto* and void, unjust and tyrannical," to be remedied by "the election of such men to the various offices in the State government as will oppose by peaceable but firm measures the execution of laws, which, if persisted in, must and will be resisted." [1] Between this and the Carolina remedy there is not a shade of difference. Webster may not have known of these resolutions, he was perhaps not at that time an inhabitant of Massachusetts; but why they are ignored by the historians of our country is a question for the conscience of such. With great dignity and propriety, Webster had meanwhile discussed Hayne's allusion to his having conceded constitutional scruples to the South with regard to internal improvements, pointing out with justice that he had gone out of his way when presenting the petition of the South Carolina Rail Road and Canal Company for government subscriptions, to allude to the scruples of the South Carolina senator as the reason it was intrusted to him, and contrasting his action with insinuations cast upon his section by the latter. But by this time he had reached that portion of his argument which had been his ultimate aim from the outset: "The great question, whose prerogative it is to decide on the constitutionality or unconstitutionality of the laws . . . I say the right of a State to annul a law of Congress cannot be maintained but on the ground of the inalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy above the Constitution, which may be resorted to when a revolution is to be justified. But I do not admit that under the Con-

[1] *Courier*, April 23, 1811.

stitution and in conformity with it that there is any mode in which a State Government, as a member of the Union, can interfere and stop the progress of the Central Government by force of her own laws under any circumstances whatever." But this strong statement he immediately weakens with the following unnecessary concession in the course of his inquiry into the source of the power of the central government. "Whose agent is it?" he asks. "If the Government of the United States be the agent of the State Governments, then they may control it; if it is the agent of the people, then the People alone can control it, restrain it, modify it or reform it." This left a gap in his line, into which his alert adversary later pressed with resistless force. There is an argument that the general government was established by the people of the United States, and not by the States; for it may be maintained that the phraseology of the preamble to the Constitution indicates this and, that if established by the States, it should read: We the peoples of the United States; but even if established by the States, as a stronger argument indicates, that does not carry with it the control Webster concedes, for in the scope of its agency its act would be the act of its principals. Webster does however show, with great power, the unreasonableness of a government established for the whole Union, with powers subject to thirteen or twenty-four interpretations from that number of popular bodies, none of which were bound to respect the decisions of the others and each at liberty to give a new decision on every new election of its own members. Following he wittily ridiculed the progress of nullification and showed that it must lead to direct collision between force and force, and then gliding easily and naturally into his matchless peroration, he closed in a passage of such splendor that it swept up and destroyed, in its consuming fire every failure, which had preceded it, and made him immortal.

CHAPTER XIV

THE DEBATE CLOSED AND THE RECORD SET STRAIGHT

When at a late hour Webster ended his grand peroration and Hayne arose to close the debate, the latter was undoubtedly affected by it. He was of too noble and generously patriotic a nature not to have sympathized deeply with the sentiments so matchlessly expressed. As a trained and skilful debater, he realized clearly that upon every point, save the important one of nullification, Webster had failed to make any distinct impression on his (Hayne's) powerful reply to the first assault; nor could he fail to note that despite his opponent's denial, many of his own shafts had found lodgment in and been keenly felt by that adversary. Even on the point of nullification, for which Hayne had made more of an apology than an argument, he saw that Webster, in his powerful attack, had given him a point or two which a skilful debater could utilize; but the peroration was unassailable. Yet it had become the speech, and sweeping every thought into one grand emotion, threatened to ingulf the argument. How could it be met? He should have realized that it could not be met at all; but in the ardor of the contest and very probably from another and very different motive, an indisposition to be considered as in opposition to it, he violated a cardinal rule of oratory and attempted to equal it. The tone of his second speech is as marked in contrast to his first as Webster's was, but in the exactly opposite direction. The irritation he felt at the attack had passed, and it is gentle throughout. He feels that there is no further occasion for sarcasm, that his first

speech dealt sufficiently with that species of defence and cut sufficiently deep; his whole aim, therefore, is to keep the record straight, to utilize what slips may help him concerning nullification and temper the force of his adversary's magnificent peroration. We can almost feel the subsidence of heat and passion as he begins: "I do not rise at this late hour, Mr. President, to go at large into the controverted questions between the Senator from Massachusetts and myself; but merely to correct some very gross errors into which he has fallen, and to afford explanation on some points which, after what has fallen from that gentleman, may perhaps be considered as requiring explanation. The gentleman has attempted through the whole course of his argument to throw upon me the blame of having provoked this discussion. Though standing himself at the very head and source of this angry controversy, which has flowed from him down to me, he insists that I have troubled the waters. In order to give color to his charge (wholly unfounded, Sir, as every gentleman of this body will bear witness), he alludes to my excitement when I first rose to answer the gentleman after he had made his attack upon the South. He charges me with having then confessed that I had something rankling in my bosom which I desired to discharge. Sir, I have no recollection of having used that word. If it did escape me, however, in the excitement of the moment, it was indicative not of any personal hostility towards that Senator, — for in truth, Sir, I felt none, — but proceeded from a sensibility which could not but be excited by what I had a right to consider as an unprovoked and most unwarrantable attack upon the South through me. The gentleman boasts he has escaped unhurt in the conflict. The shaft, it seems, was shot by too feeble an arm to reach its destination. Sir, I am glad to hear this. Judging from the action of the gentleman, I had feared that the arrow had penetrated even more deeply than I could have wished. From the beating of his breast and the tone and

manner of the gentleman, I should fear he is most sorely wounded. In a better spirit, however, I will say I hope his wounds may heal kindly and leave no scars behind; and let me assure the gentleman that, however deeply the arrow may have penetrated, its point was not envenomed — it was shot in fair and manly fight, and with the twang of the bow have fled the feelings which impelled it. The gentleman indignantly repels the charge of having avoided the Senator from Missouri (Mr. Benton) and selected me as his adversary from any apprehension of being overmatched. Sir, when I found the gentleman passing over in silence the argument of the Senator from Missouri, which had charged the East with hostility towards the West, and directing his artillery against me, who had made no such charge, I had a right to inquire into the causes of so extraordinary a proceeding. I suggested some as probable, and among them that to which the gentleman takes such strong exception. Sir, has he now given any sufficient reason for the extraordinary course of which I have complained? At one moment he tells us he 'did not hear the whole of the argument of the gentleman from Missouri,' and again that having found a responsible indorser of the bill, he did not think proper to pursue the drawer. Well, Sir, if the gentleman answered the arguments which he did not hear, why attribute them to me, whom he did hear and by whom they certainly were not urged? If he was determined to pursue the parties to the bill, why attempt to throw the responsibility on me who was neither the drawer nor the indorser? Let me once more, Sir, put this matter on its true footing. I will not be forced to assume a position in which I have not chosen to place myself. Sir, I disclaim any intention whatever in my original remarks on the public lands to impute to the East hostility towards the West. I imputed none. I did not utter one word to that effect. I said nothing which could be tortured into an attack upon the East. I did not mention the 'accursed tariff'—a phrase which the

gentleman has put into my mouth. I did not even impute the policy of Mr. Rush to New England. In alluding to that policy, I noticed its source and spoke of it as I thought it deserved. Sir, I am aware that a gentleman who arises without premeditation, to throw out his ideas on a question before the House, may use expressions of the force and extent of which he may at the time not be fully aware. I should not therefore rely so confidently on my own recollections but for the circumstance that I have not found one gentleman who heard my remarks (except the gentleman from Massachusetts, himself) who supposed that one word had fallen from my lips that called for a reply of the tone and character of that which the gentleman from Massachusetts thought proper to pronounce — not one who supposed that I had thrown out any imputations against the East, or justly subjected myself or the South to rebuke, unless, indeed, the principles for which I contended were so monstrous as to demand unmeasured reprobation. Now, Sir, what were those principles? I have already shown that, whether sound or unsound, they are separated by a 'hair's breadth' from those contended for by the gentleman himself, in 1825, and therefore that he of all men had the least right to take exception to them."

After a strong argument, to show that the Constitution was the work of the States and a compact between them and the United States, Hayne took the position that, upon a difference between the parties to the contract, one party could not decide, but the decision should be referred to a convention of the States.

Authorities of weight have sustained Webster's criticism of this, on the ground that the creature of a contract could not be a party to it; but this is a condition which seems to arise very naturally in the creation of a joint stock company upon incorporation, and why not in a government? There remained but the peroration, and of it Hayne said: "The gentleman has made an eloquent

appeal to our hearts in favor of the Union. Sir, I cordially respond to that appeal. I will yield to no gentleman in sincere attachment to the Union; but it is a Union founded on the Constitution, and not such a Union as the gentleman would give us that is dear to my heart. If this is to become one great, consolidated Government, swallowing up the rights of the States and the liberties of the citizens 'riding and ruling over the plundered ploughman and beggared yeomanry,' the Union will not be worth preserving. Sir, it is because South Carolina loves the Union and would preserve it forever that she is opposing now, while there is hope, those usurpations of the Federal Government which, once established, will sooner or later tear this Union into fragments. The gentleman is for marching under a banner studded all over with stars and bearing the inscription Liberty and Union. I had thought, Sir, the gentleman would have borne instead a standard displaying in its ample folds a brilliant sun, extending its golden rays from the centre to the extremities, in the brightness of whose beams the little stars hide their diminished heads. Ours, Sir, is the banner of the Constitution, the twenty-four stars are there in all their undiminished lustre, on it is inscribed: — Liberty, the Constitution, Union. We offer up our fervent prayers to the Father of Mercies, that it may continue to wave for ages yet to come over a Free, Happy and United People."

With this, the discussion may be said to have closed; for Webster, in dismissing it in the few words with which he elaborated his weakest point, that the government was not a compact, left his argument hanging on a broken hinge, as John Quincy Adams later expressed it.

In his extremely fair consideration of this debate, Paul H. Hayne, whose opinion of "Webster's Reply" is that, "Considered from an artistic and rhetorical point of view, it stands unequalled except by some of the finest utterances of Burke," quotes the

following contemporaneous account of it from the *Philadelphia Gazette:* "But no report can possibly give you an idea of the deep interest of the scene and the peculiar manner of the two eminent and eloquent men who were contending for the mastery. There was much of personality which it is impossible to transmit to paper, or even to arrest upon the memory; a great deal of the dumb show of eloquence, the expression of the eye and the significant gesture, which to be appreciated in their proper force must be seen. . . . The opinions as to the victory in this strife are of course as much divided as are the parties whose different views of the Constitution have been severally maintained, and by worthy champions. The opposition party generally contend that Mr. Webster overthrew Mr. Hayne; while on the other hand the result is triumphantly hailed by the friends of the administration as a decisive victory over the Eastern giant. They say that the Southern orator is more than a match for the New England lawyer. Not inclining decidedly to either of these opinions, I think those two words fitly characterize the eminence of either. Mr. Hayne is truly an orator, full of vehemence, eloquence and passion, a correct and powerful reasoner, with a most vivid imagination, which is under the guidance of severe study and correct taste, graceful in person and action and with a most musical voice. Mr. Webster, on the other hand, is a lawyer and a great lawyer, one who has at his immediate command all the logic and all the wariness of a cool and practised debater of extensive reading and much learning, of perfect self-possession and always master of the subject, or at least of all the arguments on his own side of the subject, and ready with coolness and circumspection to seize rapidly upon the weak points of his adversary. As a speaker he is calm, collected and dignified, sometimes energetic, but never impassioned or vehement. His voice is clear and firm, and he manages it with much ability; his gestures are few and not always graceful, but generally forcible

and impressive. A material contrast between these two men is in the expression and mobility of their features. Mr. Webster's countenance is generally cold, severe and impressive, which makes the occasional sarcasm, when accompanied by a sneer or a smile, exceedingly effective. The face of Mr. Hayne, on the contrary, is constantly in play, every varying emotion rushes to his countenance, and is there distinctly legible. I do not think that Mr. Hayne completely overthrew Mr. Webster, but I am decidedly of the opinion that Mr. Webster did not overthrow Mr. Hayne." [1]

It is to be noted that in this account from Philadelphia, *it is stated* that "the result is triumphantly hailed by the friends of the administration (the Jackson administration) as a decisive victory over the Eastern giant." Without giving any authority, Parton narrates a conversation between Jackson and Major Lewis, in which Hayne is described by the latter as being demolished; while the former says that is what he expected. In 1833, however, the correspondent of the *New York Courier and Enquirer* and the editor of the *Augusta Chronicle* both declared that they had seen a letter from the President to Hayne complimenting him on his speech in the most extravagant terms, two members of Congress testifying openly to the same fact on the floor of Congress.[2] In addition to this, the speech was published and distributed through portions of New England, which would not have taken place had it not been thought to have had the approval of the head of the party. Later, when nullification forced the reduction of the duties, with an accompanying force bill as a warning against a repetition of it,

[1] Paul H. Hayne, "Hayne and Legare," pp. 53–61.

[2] Daniel of Kentucky "said that at the time of Hayne's speeches in the Senate, both the President and Senator Grundy had approved the position of South Carolina as enunciated by her senator. In a letter to Mr. Hayne the former had expressed himself in terms as strong as language could afford. . . ." Carson averred: "The President expressed his approval of the speech to me in person. Daniel said he knew, from documents emanating from the President." — Harris, "Sectional Struggle," p. 331.

public sentiment veered, and Webster's effort and the man were both unduly magnified, until, at the close of his life, running counter to the sentiment of his own section, in his love for that same Union, he was crowned with "Ichabod." In his long and brilliant career, however, this contest with Hayne seems to have had a particular interest for him, and eleven years after the death of the latter he was still dressing the points and making more brilliant the peroration which had saved him on the whole controversy from the defeat which he had sustained in part.

CHAPTER XV

SOME NORTHERN ESTIMATES OF HAYNE. CHARLESTON'S APPRECIATION OF WEBSTER. THE MECHANICS OF CHARLESTON. THEIR BELIEF IN THE UNION AS WELL AS THE LOCOMOTIVE

CONSIDERING the political situation as it was at the time of this great debate, the student of history will make some surprising discoveries. Mention has been made of Hayne's phenomenal popularity in the State just prior to it; his unopposed reëlection to the Senate in 1828, and his elevation, in 1830, to the position of Major-General of Militia in January. This position in the South was no sinecure; but from the nature of the State governments at that time a coveted distinction, for which there were lively contests. The State was at this time pressing forward with great earnestness in her effort to solve the railroad puzzle, and as she advanced to the solution, *pari passu* with the development of nullification, it has been suggested that it was a sympathetic development. It is true that Calhoun appeared quite alive to the benefits to be derived from the extension of railroads, as soon as they had been demonstrated as practicable transportation agencies; but he never seems to have considered them as more than adjuncts to water ways along great commercial lines. Hayne had a juster idea of their immense value, and possibly, as has been pointed out before, is entitled to the very great distinction of having anticipated by six or seven years the suggestion in America of operating them by steam. And with regard to these two men, one put into practical operation and won a great political victory by means of nulli-

fication; while the other, called to the most dangerous and responsible position, guided the ship of state with rare discretion and ability through that short but tumultuous passage. In addition, it may be claimed that the sentiment of the State was undoubtedly for nullification, so that not only the leaders but also the mass were for it. But that is not conclusive The centre of the State was for nullification, but the extremes at Greenville and the Peedee section against, and at Charleston where the railroad movement was, the opposing forces almost balanced each other. Indeed, in the city of Charleston, Webster's peroration so endeared him to many, that it drew together the aristocratic Federalists, and the Democratic mechanics who had up to this time constituted the bone and sinew of the Republican party there. At the annual banquet of the American Friendly Society in Charleston, in February, 1830, Webster was toasted as "a true patriot"; while neither Calhoun nor Hayne were mentioned. A little later, however, a writer above the signature of "Old Times" criticises Hayne's "decency" in attacking "Federals," by whose votes, it is declared, he overcame Senator Smith. In the country at large, however, Hayne's speech had unquestionably increased his fame, the comments of many papers, opposed to his view, indicating their appreciation of the man.[1] By the Boston merchants the speech was so highly thought of that it was by them printed on satin and presented to the Senator;[2] while in Maine, the Democratic members of the Legislature, in addition to their thanks, ordered the publication and distribution of 2000 copies in pamphlet form, being impressed with the correctness of the doctrine it contained and designating it "as an able, fearless, unanswerable

[1] *Washington Spectator*, *Ulster Centinel*, New York; *New York Gazette*, *Baltimore Patriot*. *City Gazette*, Feb. 26, March 4, 13, 1830.

[2] Letter from Washington Alston Hayne, grandson of R. Y. Hayne, May 23, 1904. Simeon Pratt, of Maine, had the speech printed on satin and sent to Hayne. *The Eastern Argus*, quoted by *Charleston Mercury*, June 30, 1830.

defence of the democracy of New England." [1] In justice, however, to all parties, it should be remembered that nullification, as Hayne had apologized for it, had seemed to him to have been to a certain extent recognized by Jackson, as he had quoted him, in his speech: "I regard an appeal to the source of power in cases of real doubt as among the most sacred of all our obligations." But if Hayne was able to draw encouragement from these various sources, there was none to be drawn from the declarations of his colleague. Senator Smith had also participated in the discussion, delivering a very strong and remarkable speech. Quite temperate for him, and with the exception of crediting his colleague with a policy concerning the public lands not warranted by Hayne's speech, for which he was mildly corrected by the latter, there was nothing in the speech, critical as it was, which Hayne could well object to. It was, however, a direct attack on Calhoun's party. It was egotistical; for it was in substance a claim that the speaker was himself the representative of the State Rights school, and that he had been such when Calhoun was for a liberal construction of the Constitution. He showed that in the election, which placed Adams in power, there had not been two great parties opposed to each other's politics; but four parties centring around the personalities of individuals, all of whom were against State Rights, except the party supporting Crawford, with the elimination of which there was none, until the attempt, as he characterized it, to build up one, rushing to an extreme beyond the old State Rights party. He opposed nullification as impractical and dangerous. He looked, in agreement with Grundy of Tennessee, to a redress of grievances, which he asserted did exist, by an effort through concerted actions of the States aggrieved, nor did he fail to point out, that, however he might speak, Benton's vote had ever been for the tariff.

[1] *Charleston Mercury*, March 15, 1830.

While politics and the politicians were thus readjusting themselves, a certain class in Charleston were proving their faith by their works. Three toasts offered by the mechanics of Charleston at the annual celebration of their society in this year give us an excellent idea of what an admirable set of men and estimable citizens they were at that time. Other classes of citizens might be still looking askance at that fearfully and wonderfully made article, the locomotive, built upon the design of one of their number, Miller, and now in the city on exhibition; while comforting themselves with the reflection that the railroad might yet be operated by wind, as "with a steady breeze the car sailed throughout the day" on the lot where experiments were being conducted; but not so the Charleston mechanics; they believed in the locomotive. It is a pity that all their toasts cannot be here inserted, they are so full of pith; but four of them, at least, are historical items of value: "6. The perpetuity of the Union of the United States. 11. The memory of Oliver Evans, the American mechanic, whose prophecy of 1786 is likely to be fulfilled in 1830. 12. The locomotive engine. Favored by a proper level and a well-laid rail, it will soon bring Boston, Baltimore, Charleston and New Orleans into neighborhood and friendly intimacy. 13. The mechanics of Charleston. Give them but the patronage, and they will compete in the execution of their work with the world." [1] Nor was this last any idle boast; for within three years Dotterer proved it with the locomotive he produced from a Charleston shop, the work of Charleston craftsmen, equal to anything from the North or England. The forces, therefore, which in the main were behind this industrial movement in South Carolina, were opposed to nullification, and for a short time blocked it, and if outside of that State one-half the effort had been made to redress the real grievances of the people of the State, which were made as soon as nullification forced action, it is doubtful

[1] *Ibid.*, Feb. 4, 1830.

if any man or set of men would have had strength enough to push the State into this extreme act. But until this threat was made, not the slightest effort was observable.

During the remainder of the session of 1829–30, Hayne and Webster did not again come into collision with each other. Hayne, as chairman of the Naval Committee, had to fight through two measures, which he carried by large majorities, and Webster seems to have tabled a bill looking to the creation of a department to be presided over by the Attorney-General.

In the "Abridgment of the Debates of Congress" there is set out for April the 29th of this year a most comprehensive and eloquent attack upon the Pension Laws by Hayne, from which it would appear that upon this subject he made two great speeches, — one in 1830 and one in 1832. Asserting his reverence and affection for the men of the Revolution, he yet declared in this speech of 1830, that "when the attempt is made to thrust into the company of the war-worn veterans of the Revolution a mighty host, many of whom never even saw an enemy, when a door is to be opened wide enough to admit mere sunshine and holiday soldiers, the hangers on of the camp, men of straw, substitutes who never enlisted until after the preliminaries of peace were signed: when, after having omitted to pay the debt of gratitude really due to the honest veterans who toiled through all the hardships and dangers of the great conflict, you now propose to give the rewards earned by their blood, with so profuse a hand as to enable all who ever approached the camp, to share them, I must be permitted to say that neither my sense of justice nor my devotion to Revolutionary men will suffer me to lend my aid to the consummation of the injustice." He held that: "The people of the United States, even before the Revolution, had imbibed a deep-rooted and settled opposition to the system of pensions. In the country from which they had emigrated, they found it operating as a system of favoritism, by which those

in authority made provision, at the public expense, for their friends and followers. In Great Britain, pensions have long been used as the ready means of providing for the favored few at the expense of the many. This system affords the most convenient means of appropriating the industry and capital of the laboring classes for the support of those drones in society, the *fruges nati consumere* who occupy so large a space in all refined, civilized and Christian countries." After alluding to the salutary "prejudice against the system almost universally prevailing," Hayne proceeded to show "that up to 1818 the principle of our pension system was disability, a wise and safe principle, limited in its extent and almost incapable of abuse." Tracing the development, he showed how, from disability incurred in service, it passed to all in reduced circumstances who had served for nine months. He discussed the alarm of the country, when thirty thousand had at once applied, and the consequent act of 1820 against frauds, to stem the rapidly rising tide. Then analyzing the act and amendment before the Senate, "supported on the avowed ground, not to change the pension system but merely to correct some misconstructions," he demonstrated that the scope of the legislation was to change, to extend and widen the operation. He then showed the tendency to raise the limit of the fortune excluding participants and the consequent increase of numbers on the roll. "But, Sir," he exclaimed, "there are higher considerations connected with the question than any I have yet urged. I consider the bill as a branch of a great system, calculated and intended to create and perpetuate a permanent charge upon the Treasury, with a view to delay the payment of the public debt and postpone indefinitely the claims of the people for a reduction of taxes, when the debt shall be finally extinguished. It is an important link in the chain, by which the American System party hope to bind the people now and forever to the payment of the enormous duties deemed necessary for

the protection of domestic manufactures. . . . We have schemes for colonization, education, distribution of surplus revenues and many others, all admirably calculated to promote the great end, — the absorption of the public revenue. But, Sir, of all the measures devised, this grand pension system got up last year and revived during the present session is by far the most specious, the most ingeniously contrived and the best calculated for the accomplishment of the object. Here gentlemen are supplied with a fine topic for declamation, — 'gratitude for Revolutionary services,' 'the claims of the poor soldier,' etc., — these are the topics which, it is imagined, will carry away the feelings of the people and reconcile them to a measure which must unquestionably establish a permanent charge upon the Treasury to an enormous amount, and thereby furnish a plausible excuse for keeping up the system of high duties. . . . But there is one fact which speaks volumes on this subject. How comes it that this spirit of gratitude for Revolutionary services should have slumbered for fifty years? . . . Sir, the reason is obvious. The period for the final extinction of the public debt is at hand . . . the existence of a surplus must by some means or other be prevented; and this must be accomplished without any reduction of duties. The friends of the system have therefore gone forth upon the highways, and 'all are bidden to the feast.'"

Hayne's reputation in the nation now stood very high. To cite comments of the Northern press, the correspondent of the *Baltimore Patriot* declared that, next to Webster, he was the strongest man in the Senate; the *Ulster Centinel*, that "he always commands attention and seldom fails to convince, that South Carolina can well be proud of him"; and the *New York Gazette* gave a most interesting description of the man, his mental and moral qualities, his manner and his force in debate, in the following sketch: "To describe the peculiarities of my present subject is

a more difficult task than might be supposed by those who have been in the habit of listening to Mr. Hayne. He is one of those speakers who so generally enlist the feelings of their hearers by the contagious power of his own enthusiasm that even at a distance, and after a long interval of time, I find it difficult so far to set aside the impressions produced by his oratory as to deal fairly with his capacity, and detail with an unprejudiced mind his qualities as an orator and a legislator. In some of the high essentials of eloquence, Mr. Hayne has few superiors. In fervency and generous enthusiasm, few equals. Although the writer of these lines has often differed from him in the views he has taken of questions of public policy, still of the honest convictions entertained by Mr. Hayne, of the correctness of his opinions, no one who has heard him express them could feel a doubt. His manner is the very index of sincerity. His leading characteristic as a speaker is zealous intrepidity. He is always ready to defend his sentiments or to aid in the support of measures which he has once advocated, and his efforts are devoted in the true spirit of chivalry with all his heart. He is no halfway advocate, and no mental reservations neutralize the effects of his exertions or throw a doubt on their good faith. His capacity in desultory debate is scarcely equalled in Congress, and hence some of his most powerful speeches have been those which were totally unpremeditated. In person Mr. Hayne is slightly above the middle size. His face, except when in motion, is not very remarkable, although its expression is pleasing. His complexion is sallow. His cheeks round and full, with rather a broad mouth; his forehead is not peculiarly large or capacious, in comparison with his countenance; his eyes are gray, full of fire and animation, and the most expressive feature in his face; his hair is light brown, straight and carelessly worn. In fact, at first sight, his person does not indicate the character of the man. But in the warmth of debate, how do his features brighten with feeling and

intelligence. How do his eyes sparkle with a light as it were not their own. His countenance, when once the mind is loosened, seems full of intellect, and the continual play of his features justly indicates the susceptibilities of the inner man. His voice is clear and flexible, although without great depth or fulness of tone, and he has it under perfect control. When once in the full flow of utterance, it goes on uninterrupted by physical deficiencies and without the slightest harshness or irrelevancy of intonation. . . . His fancy is chaste, but glowing. His metaphors are sometimes remarkably happy, and his imagination never outrages common sense. If he has a fault, it is that his ardor occasionally, although not often, carries him too far into speculation not entirely relevant to the subject, and that, by the extension of his digressions, his hearers occasionally lose sight of his main object." [1]

If we compare this sketch by a fairly disposed political opponent with that of the correspondent of the Philadelphia paper, who described the debate and the portrait by Benton, who, although a devoted friend, was yet opposed to Hayne on the question of nullification, while united with him on the other questions involved, we find a general resemblance, in spite of differences, all indicating the object of their speculations as one far beyond the ordinary and a great force in national legislation. History makes but slight mention of one other participant in the great debate, who up to that time had been recognized as, next to Hayne, the most representative Jackson Democrat in the Senate. Livingston of Louisiana had delivered a strong speech and a most interesting one, as it subsequently became the basis of Jackson's celebrated proclamation. While opposing Hayne, he had, to a certain degree, defended, excused or apparently sympathized with some of his declarations. The true explanation of this extraordinary state of affairs lay in this, no prominent individual outside of South Carolina believed

[1] *New York Gazette*, March 4, 1830, quoted by *City Gazette*, March 12, 1830.

that nullification would ever be attempted because of the firm conviction that any party, attempting it, would be swept out of power, in any State. And the evidence for this, as far as South Carolina was concerned, was that Senator Smith, the Radical, had in his speech put himself closer to Webster than Hayne in the great debate. The two oldest and strongest papers in the State of South Carolina were also absolutely against any such policy; while the President, a South Carolinian himself, was believed to be the strongest political force in the State. Nor had Calhoun as yet openly associated himself with the policy, although it was believed by some that he was the instigator. Of the powerful, fearless and sincere determination of the mass of the voters to emancipate themselves from the oppressions of the tariff at any risk, there was little or no knowledge.

CHAPTER XVI

D. E. HUGER DEFEATS THE ATTEMPT TO NULLIFY IN 1830

In Charleston and the immediate neighborhood, the Unionists had at this time able leaders. Joel R. Poinsett, J. R. Pringle, B. F. Hunt and B. F. Dunkin were all men of influence in the State, and the first named of some reputation in national affairs and in former days close to Calhoun. William Aiken, the head of the railroad, and two younger men, destined at a later day to rise to a much higher position in the public eye, Hugh S. Legare and C. G. Memminger, were also against nullification. But the two ablest and most eminent opponents to the policy were undoubtedly James L. Petigru and D. E. Huger: Petigru, ardent, impetuous, full of the fire of love and hate, not at all averse to the stir of contest; an incomparable wit, to whom the humor of a situation involving his own discomfiture was as keenly appreciated as one in which an adversary alone was affected; a great lawyer, and yet so devoted to his ideal, the Federal Union, that his political life seems to have been but a repetition of failures from the constancy with which he clung to it; D. E. Huger, quietly, almost gently, breasting the tide of popular sentiment, yet with a firmness and power surpassed by no man who has ever risen to prominence in the politics of South Carolina; capable as few men were of seeing the good in an opponent; the discreet and wise adviser of some who had passed beyond him, with favoring opportunity. Such were the Union leaders. And against them, apparently, but two men of prominence in Charleston, — James Hamilton, Jr., and H. L. Pinckney. Hamilton had succeeded

Lowndes and acquitted himself with ability, in a seat where the contrast to his predecessor would have destroyed a weaker man. He was a close, intimate and personal friend of Hayne, and almost as close to Calhoun as the latter. H. L. Pinckney had been an even more valuable assistant of Calhoun, at whose command he had placed all the resources of a very remarkable intellect, and for whose advancement he had contended as no other individual of the State or nation could claim to have done, and, as it must also be admitted, to the destruction of any claim, on his own part, to political consistency. His extraordinary command of words, and a rare power of striking and picturesque expression, gave him great strength with the multitude. Hayne, although with this faction, was not as yet openly allied, and was, apparently, still hoping that the breach might be filled. Of the old leaders, the three great Pinckneys were all dead, — Charles Cotesworth and Charles having followed Lowndes in three years, and Thomas having survived him but six; while Langdon Cheves had been away from the State for eleven years. Yet the sentiment given by such a man as Cheves had shown himself to be, in the various stations in which he had served, might well have arrested attention from the thoughtful; for he went farther than Hayne, as one of his statements expresses: "The Union. May it be preserved, but if it be, it will be by a reform which shall make it serve the great purposes for which it was instituted, the equal security and protection of the rights, the interests, the honor, the feelings of all parts of the confederacy." [1] Dr. Cooper, one of the extremists, also accentuated the difference between Hayne and the leaders of the State Rights party [2] by declaring that if Senator Hayne, "in his very able reply, apologizes" for his (Cooper's) expression, "it is time to calculate the value of the Union," he (Cooper) will not. Yet as late as June the 30th, an old friend and associate of former days

[1] *Charleston Mercury*, June 11, 1830.

[2] *Ibid.*, March 24, 1830.

knits together praise of the disinterested and independent course of the President of the United States, and a sentiment of Hayne, expressed in a letter to the *Eastern Argus* of Maine, deprecating sectional differences; while at the Hayne-Drayton dinner, Senator Smith is one of those toasted. But this dinner marks the last attempt to keep up the appearance of unity in aim and purpose; for J. L. Petigru, although closely allied in business with James Hamilton, Jr., refused to attend, and William Gilmore Simms, then editing the *City Gazette*, called attention to the fact that while the voting strength of the city is 2800, only 430 tickets were taken up by the doorkeepers at the dinner.

A letter from Jackson of date August 25, 1830, replying to a communication from William B. Lewis, enclosing a letter from South Carolina, throws some faint light on the confused politics of the time. The President says: "Have read and noted the letter enclosed from the Gentleman in South Carolina. I was aware of the hostility of the influential character alluded to. I sincerely regret the course taken by Hamilton & Hayne. The people of South Carolina will not, nay cannot, sustain such nulifying doctrines. The Carolinians are a patriotic and high-minded people, and they prize their liberty too high to jeopardize it at the shrine of an ambitious Demagogue, whether a native of Carolina or any other country. This influential character in this heat has led Hamilton and Hayne astray, and it will, I fear, lead to the injury of Hamilton & lose him his election. But the ambitious Demagogue alluded to would sacrifice friends and country, and move heaven and earth to gratify his unholy ambition. His course will prostrate him here as well as everywhere else. Our friend, Mr. Grundy, says he will abandon him unless he can satisfy him that he has used his influence to put down this nulifying doctrine which threatens to dissolve our happy union." [1]

[1] Original, Lenox Library, New York.

By this time, however, the Union party had organized, and they brought forward J. R. Pringle as an opponent to H. L. Pinckney for the Intendancy, winning the election by 80 votes. Following up their victory, they put out a strong ticket for the Legislature: D. E. Huger, J. J. Bulow, Joel R. Poinsett, C. G. Memminger, John Shoemaker, B. F. Hunt, John Johnson, Jr., H. A. De Saussure, B. F. Dunkin, Hugh S. Legare, Elias B. Hort, Edward J. Pringle, M. I. Keith, J. W. Schmidt, Rene Godard and William Aiken for the House and J. L. Petigru for the State Senate, both factions having indorsed Drayton for Congress.

Although he had as yet taken no pronounced position in the contest, and later deprecated the division, yet a private letter from Hayne to Colonel Thomas Pinckney shows that his sympathies were altogether with the State Rights party, even at this early date. The letter is dated Charleston, September 12, 1830.

"My dear Sir: —

"I have forwarded to Mr. Sass by this day's mail a letter of introduction to the Postmaster-General according to your request. I also send you our State Rights Manifesto, which be so good as to show to your neighbors. As to the notice in the *Mercury*, it was neither Editorial nor did it indicate any disposition of the State Rights Party to amalgamate with that Gentleman or his friends. We have nothing to do with it. It came from one of the enemy (as I am told) and was only inserted to prevent that gentleman from having an excuse for going over to the other party in the election then pending. Pinckney, I presume, did not suppose it would be attributed to him by any one. The character of the piece marked its origin. We have a difficult and delicate part to act here. When such men as Lee, Huger & Petigru appeal to the fears of the common people, I do not know what we can expect but the most abject spirit of submission. The great mass every-

where never will act boldly if their leaders desert them. It is true now, as in '76, that men will always be inclined rather to submit to evils than to attempt to redress themselves. Great indeed is the responsibility of those who, at this crisis, shall paralyze the efforts of South Carolina; for if we now abandon our grounds, they can never be resumed even under greater violations of our rights. We shall use every honorable effort to retrieve our affairs at the general election in October. We shall be compelled to run on an unpledged ticket & we hope our adversaries may insist on pledges against convention. Our opponents are not without their difficulties too. The Bennett, Steedman & Hunt Party who compose a majority of the new Union party will insist on leading & will claim a place on the ticket for Hunt, Lance, Wilson, Magwood, etc., etc. This claim, if refused by Huger & Petigru, breaks them to pieces & if granted, leaves us an opening to attack & defeat them. Our friends in the interior must not expect too much of us. We shall do our best under the circumstances in which we are placed. Mr. Cheves & Hamilton visit Pendleton in October. The former will want a good settled farm. Do keep a lookout for him & lend him your aid. My family and your friends here are generally well. With our regards to your family & all friends believe me to be,

"Very truly yours

"ROBERT Y. HAYNE." [1]

This letter is not sanguine in tone, for Hayne gauged the sentiment of the community correctly, the Unionists electing eleven of the sixteen representatives to the Legislature; but their victory was not as complete as they had desired, for they failed to prevent the election of H. L. Pinckney to the House; while Petigru, their candidate for the State Senate, was defeated. Throughout the

[1] Original in possession of Miss Mary Pinckney, Charleston, South Carolina.

State the nullifiers were more successful, and under the leadership of W. C. Preston, A. P. Butler and Governor S. D. Miller were strong enough to raise Pinckney to the Speakership. But although Senator Smith had announced his opposition to the calling of a convention for the purpose of nullification, some preliminary work had to be done before he could be opposed with any certainty of success.

Hugh S. Legare and John Belton O'Neall, both Unionists, were raised respectively to the Attorney-Generalship and a judgeship. Then, in the Senate, the seat of Harleston Read, and, in the House, the seat of Rene Godard, were attacked. The fight over Godard's seat brought into notice prominently a young man who soon made his influence distinctively felt. Barnwell Smith, as he was then called, for the family had not yet taken the name of Rhett, moved that the seat be declared vacated; but Judge Huger, upon whom, single-handed, the leadership of the Unionist forces now depended, succeeded in securing a reference to the committee on Privileges and Elections, which, on a vote of 41 to 3, reported in favor of vacating the seat, which report the House with but one dissenting vote sustained. Most men would have abandoned a fight at this stage; but Judge Huger secured a reconsideration of the vote, to enable him to address the House in favor of Godard's right to his seat. The House finally refused to reverse itself, but by a vote of only 69 to 50 [1] in favor of such action. With two members unseated and Legare's seat vacated by his resignation, the Legislature then proceeded to the election of a senator, and Governor S. D. Miller was elected by 81 votes to 77 for Senator Smith, and one blank.[2]

Smith had been defeated by Hayne, because he was too much of a Radical, apparently now, because not quite enough. In the kaleidoscopic changes which were taking place in the political views

[1] *Charleston Mercury*, Nov. 29, 1830. [2] *City Gazette*, Dec. 3, 1830.

of individuals as the positions of parties shifted, a reference made by Hugh S. Legare brings most forcibly to the consideration of the student of history a great loss which the State had sustained some eight years previous. At the "'76" Association dinner, where the sentiment in favor of nullification was being cultivated sedulously, Legare offered this sentiment, "The memory of William Lowndes, With all the moderation which wisdom inspires, with all the energy which virtue needs, and with all the influence that waits upon both would that fate had spared him for the times for which nature seemed to have formed him." [1]

South Carolina was not yet ready to nullify. The venerable Sumter, appealed to, advised against the calling of a convention to do so, giving as his reasons first: that joint action was better than independent; and second, that as the Legislature had the power, there was no need to call a convention to do what was in the power of the Legislature to accomplish. The faction which was for nullification, however, determined to test their strength, and Preston, accordingly, introduced a set of resolutions concluding as follows: "Resolved that the State having long submitted to the evil in the hope of redress from the wisdom and the justice of the Federal Government doth no longer perceive any ground to entertain such hopes and therefore, that it is necessary and expedient that a convention of the people of the State be assembled to meet, on the adjournment of the ensuing session of the Congress of the United States, for the purpose of taking into consideration the said violation of the Constitutional Compact and devising the mode and measures of redress." [2]

In opposition to this, Huger offered an amendment, in substance, declaring that if the tariff acts of 1824 and 1828 were not repealed or modified, that the Governor be authorized to correspond with other Governors of other States, and to take all steps necessary to a

[1] *Charleston Mercury*, July 7, 1830. [2] *Ibid.*, Dec. 6, 1830.

convention of the aggrieved States, for such redress as they should see proper. On a previous motion to indefinitely postpone the call for a convention, the motion had been defeated by a vote in the House of 39 to 55, something like thirty members refraining from voting, of which five now voted for the calling of the convention, while seventeen voted against. The resolution of Preston, therefore, not only lacked the two-thirds necessary for a call, but came perilously near a defeat, the vote being 60 for, 56 against.[1] The man who had defeated the call was D. E. Huger. Of all the great men of South Carolina, he is least known; but if he had received any reasonable support from the general government, he might have prevented nullification.

[1] *Ibid.*, Dec. 20, 1830.

CHAPTER XVII

THE BREACH BETWEEN CALHOUN AND JACKSON. McDUFFIE PRECIPITATES NULLIFICATION AGAINST THE APPROVAL OF CALHOUN. HAYNE EXPOUNDS ITS PRACTICABILITY FROM ITS PREVIOUS USE. CALHOUN'S LOGICAL EXPOSITION. SUMTER'S SOLEMN APPEAL

At the beginning of the year 1831 it began to be rumored that a breach had occurred in the relations of the President and Vice-President. As late as the spring of the previous year their attitude towards each other had been friendly; for in March of that year Calhoun had claimed that he and his friends in the Senate were actuated by the ambition "to carry the General through with glory, and while we see with pain every false move, we have never permitted our feelings to be alienated for a moment." [1] In May he thinks it doubtful whether General Jackson will offer again or not, although he informs Van Deventer that, "Some who regard their own interests more than his just fame are urging him to offer; but it will be difficult to reconcile the course to his previous declarations, unless there should be the strongest considerations of the public good to justify him." [2] By August, as we have seen, Jackson's reply to the letter sent him by Lewis containing information or accusation of unfriendliness to him by one, whom the description pretty well establishes as Calhoun, indicates beyond any doubt his readiness to believe any charge against Calhoun, although he had not yet submitted to him his request for an explanation concerning the matter which became the supposed ground of their

[1] "Calhoun's Correspondence," pp. 271–272. [2] *Ibid.*, p. 272.

quarrel. Later in the year he makes his demand for explanation of Calhoun's attitude in 1818, to which Calhoun replies in a long letter, the point of which is that Jackson should not have assumed that he, Calhoun, approved his course in 1818, etc. To all of which Jackson abruptly replies, that his grievance is that he has been all along kept under a delusion as to Calhoun's conduct towards him on that occasion, and by February, 1831, the voluminous correspondence is spread before the public, whose comments upon it seem to be quite mild, Calhoun's opponents in the State contenting themselves with the declaration that they leave it to Duff Green to call it a complete vindication. Still Calhoun refrains from any open adhesion to nullification, although as early as January, 1831, he had written Hammond, "Nothing must be omitted to unite and strengthen her (South Carolina), for on her union and firmness, at this time, the liberty of the whole country in no small degree depends," [1] and it was McDuffie in his fiery speech of May, 1831, who committed the party to nullification. Calhoun did not approve of McDuffie's course; his letter to Samuel D. Ingham of June 16 indicates that his hand was thereby forced before he was ready to play it. He gives a clear statement of his views, and if the letter which he mentions as having been sent to Hamilton on the same subject had been preserved, his own plan would be before us. But the party being now committed to nullification, Hayne was called upon to put it before the public. His speech on July 4, 1831, does not seem up to his usual standard, and almost suffers by contrast with the speech of Drayton, driven by McDuffie's violence into the arms of the Union party. Yet it gives us some interesting facts. Alluding to Stephen Elliott, whose death had taken place in the beginning of the previous year, he speaks of the memorial of 1820 as "an enduring monument of the wisdom of that most estimable man who died as he had lived,

[1] *Ibid.*, p. 281.

without a rival in the confidence and affections of his fellow-citizens," [1] and he claims that there is scarcely a district in the State which has not since forwarded similar memorials against the tariff to Congress in the ten years which have followed. Then he cites the action of succeeding Legislatures, all of which have been unheeded. He denies that nullification tends to dissolve the Union, and, avoiding metaphysical subtleties of discussion, produces an argument, based on known facts, difficult to answer. "Is Georgia in the Union now — who doubts it? And yet, do we not all know that she has Nullified several treaties and acts of Congress, making them void within her limits, by acts of her own Legislature? Did not Pennsylvania, in the Olmstead case, Nullify the proceedings of the Federal Court, and remain for ten years in possession of the fruits of her Nullifying act, and was she all that time actually out of the Union? If so, never having been readmitted, she is out of it still." In answer to the charge that the Nullification party or the State Rights party, as they called themselves, were composed of young men, he claims that it had had the support of General Thomas Pinckney, who died in 1828 and still had, at the time of his speech, Captain Richard B. Baker, "the last survivor of the battle of Fort Moultrie," Major James Hamilton of Pennyslvania, the father of the Governor "who assumed his arms at the heights of Dorchester, and only laid them down when the last gun was fired on the plains of Carolina," Keating Simons, "the friend and companion of Marion," and he "who bears upon his manly form the deep impression of many a wound, all received in front, and who stampt upon the events of the Southern war the might of his unconquerable arm and the majesty of his own great name, Carolina's Game Cock — the immortal *Sumter*."

The effect of this style of argument upon the mass of voters was soon noticeable. But further it was apparent that what

[1] Hayne's Speech, 4th of July, 1831. Published by A. E. Miller, p. 13.

Hayne desired was to afford relief from an intolerable situation, and if relief could be obtained by any other way than nullification, his advice was, "by all means, try it." "If it be deemed necessary to make a last appeal to your sister States, — the oppressors and the oppressed, — let that appeal be made, solemnly warning the former of the inevitable consequences of continuing to exert an unwarrantable control over our domestic pursuits; and affectionately appealing to the latter for that countenance and support which we have a right to expect at their hands. But should the argument be exhausted, should all our efforts utterly fail and the only alternative left be submission to this usurpation of power, or the interposition of the sovereign authority of the State, I say, with Mr. Jefferson, 'there ought to be no hesitation.' But this, we are told, will be Nullification. Be it so. . . . We will take any remedy that may be proposed to us short of disunion; but should it come finally to this, that we must either submit, interpose the sovereign authority of the State — or secede, and we are determined not to submit, what possible objection can any one then have to this interposition (if it were merely an experiment to save the Union)— call it Nullification or call it what you will? . . . It is preposterous to tell us that parties are divided only as to the remedy. An agreement in principle, and a difference as to measures, is always a friendly difference of opinion . . . but is there no reason in this case to fear, that many of those who profess to wage war only against what they call our 'extreme remedies' are in fact tariff men at heart?" When Hayne left this branch of the argument and attempted to make out his case on the Constitution, he was weak; for one has only to read the act by which South Carolina commissioned her deputies to attend the Constitutional Convention to realize that Hayne's assertion, that, "This Constitution was formed by the several States, each acting for itself and in its sovereign capacity," was incorrect; nor is his speech immune to the

criticism of William Gilmore Simms, "Mangled quotations, lugged in by the head and shoulders, whenever there is an inconvenient dearth of original expression." Meanwhile the Unionists were breathing forth their sentiments in twenty-four regular and one hundred and twenty-three volunteer toasts. That some of these were rather truculent, is scarcely astonishing under the circumstances. The fifth toast was aimed at Calhoun, "The Vice-President of the United States: His political intimates have declared their sentiments of nullification — will he shrink from an open exposition of his own?" [1] This taunt was followed by a veiled threat in the eighth, "The people of South Carolina: They will preserve the Union — peaceably if they can." But Calhoun was not the only prominent man they struck at, for in the eleventh they gave, "The American system: The offspring of a wily ambition, which would corrupt the people at their own expense." With "State sovereignty" they had little patience, declaring, "If one State has a right to change the government, the others have a right to prevent it." William Lowndes was remembered and eulogized, and Petigru also called to remembrance Judge Nott. The toast of young C. G. Memminger was one well worthy to be pondered, "The Virginia Resolutions of 1798: The true exposition of the doctrine of State Rights; they have once prevailed over the advocates of implied powers — they reject the proffered alliance of nullification." But no toast was as epigrammatic as that of another young attorney, George S. Bryan, who suggested, "Nullification: Anarchy reduced to system." In all this flash of wit, perhaps the wisest toast was that offered by the Surveyor of the Port, who seems to have stood somewhat alone in advocating, "Charity to those who differ from us."

Up to this time, Calhoun had refrained from committing himself,

[1] Union and State Rights Celebration, So. Ca. Historical Pamphlets, So. Ca. Hist. Society.

although he had expressed to Hammond his belief that the general government would never relax its hold unless compelled; that such compulsion could only be brought about by united pressure from the South or nullification by some one State, and as there was no hope of united effort on the part of the South during Jackson's term, South Carolina, as the only one that could possibly put herself on her sovereignty, was the only one to be looked to.[1] As late as June 16, 1831, writing to Samuel D. Ingham of McDuffie's imprudent speech, he says: "My friends must judge whether the position I may take will be such as that they can prudently maintain. If so, I will, of course, expect their support; but if not, I will not complain." [2] It would almost seem as if the taunt of the Unionists had finally decided him; for under date of August 5, he writes to Van Deventer, "There has been so much solicitude to know my sentiments on the great question of the relation which the State and General Government bear to each other, that I have laid them before the public as an act due to them, as well as to myself." The letter, containing his views, appeared in the *Pendleton Messenger*, as written July 26, 1831, from Fort Hill, so that allowing the time necessary for the report of the Unionist taunt and the preparation of his dignified and powerful reply, it would seem to have brought it forth.

This letter was the strongest presentation ever made of the doctrine of nullification, and that it had a powerful effect is not to be doubted. Three thousand copies of it and 1000 copies of Hayne's 4th of July speech were printed and circulated as campaign documents. It is a great paper and one worthy of study, temperate throughout and appealing to nothing but the reasoning faculty. In a logical method, premises are laid down and from them conclusions are drawn with great skill. The writer finds it necessary to upset some of his own friend's arguments, and the discourse

[1] "Calhoun's Correspondence," p. 281. [2] *Ibid*, p. 294.

seems to prove that Benton is mistaken in his belief, as well as the historian Rhodes in his, that Calhoun prompted Hayne in the course of the latter's argument with Webster; for strange as it appears, he combats one of Hayne's arguments, declaring that if it cannot be overthrown, the argument for nullification is lost. But probably the most interesting part of Calhoun's letter is that in which he bases his belief in his remedy, upon his unwillingness to admit that there is none to be found. So imperceptibly do the premises move from solid to unsubstantial ground, that it is difficult to detect the change; but once noticed, it is seen that the base of this elaborate and imposing structure is faulty. The premises are as follows: "The General Government emanated from the people of the several States forming distinct political communities; that the Constitution of the United States is in fact a compact, to which each State is a party in the character already described, and that the several States or parties have a right to judge of its infraction and in case of a deliberate, palpable and dangerous exercise of a power, not delegated, they have the right in the last resort, to use the language of the Virginia resolutions, to interpose for arresting the progress of the evil and for maintaining within their respective limits the authorities, rights and liberties appertaining to them. This right of interposition . . . be it called what it may, State Rights, veto, nullification, or by any other name, I conceive to be the fundamental principle of our system, resting on facts historically as certain as our Revolution itself, and deductions as simple and demonstrative as that of any political or moral truth whatever." [1] On these premises the whole argument hangs and to them again and again he refers. In his second speech in the great debate with Webster, Hayne had said: "A State is brought into collision with the United States, in relation to the exercise of unconstitutional powers: who is to

[1] *Charleston Mercury*, Aug. 12, 1831.

decide between them? Sir, it is the common case of difference of opinion between sovereigns as to the true construction of a compact." He had argued that "the party proposing to use the disputed power" should appeal to the power by which the Constitution could be altered for express authority and until conferred, the power must be suspended. Calhoun now found it necessary to combat this, and depending on the supposed strength and unassailable nature of his premises, brushed aside an argument which, whatever its merit or lack of merit, rested on a premise more secure than the one with which he replaced it. "It is objected," he said, "that if one party has the right to judge of the infraction of the Constitution, so has the other, and consequently in cases of contested powers between a State and the General Government each would have a right to maintain its opinion as is the case when sovereign powers differ on the construction of treaties or compacts, and that it would come to a mere question of force. The error is in the assumption that the General Government is a party to the Constitutional Compact. The States, as has been shown, formed the Compact, acting as sovereigns and independent communities. The General Government is but the creature, and though in reality a government with all the rights and authority which belong to any other government, within the orb of its power, it is nevertheless a government emanating from a compact between sovereigns and partaking in its nature and object of the character of a joint commission, appointed to superintend and administer the interests in which all are jointly concerned, but having beyond its proper sphere no more power than if it did not exist."

The only word which properly describes this argument is that it is extremely subtle and gently insinuating, and that is what constitutes its greatest power. For instance, if the two first premises are considered, in the light of the act by which South Carolina deputized her commissioners to the Constitutional Convention

in 1787,[1] we must note that, while the general government did emanate from the people of the several States, forming distinct political communities, and the Constitution of the United States is in fact a compact, to which each State is a party, the assertion that they were such "in the character already described" is erroneous. That is where Calhoun's argument fails; for the State of South Carolina was not a party to the Constitutional Compact in the character in which she was when "the General Government emanated from the people of the several States." She was in the second instance a party to a confederation and perpetual Union, which she sought to make more perfect by joint action with other States, subject to the approval of the general government, then existing, and her own subsequent ratification. This seems to bear out the idea of the constitutional compact which both Webster and Calhoun thought erroneous, when advanced by Hayne; namely that the general government was a party to the compact. That Calhoun himself was entirely satisfied with the conception he advanced herein, is very questionable, in the light of another expression, in the same great discussion: "As the disease will not heal itself, we are brought to the question, can a remedy be applied? To answer in the negative would be to assert that our Union has utterly failed. I am not prepared to admit a conclusion which would cast so deep a shadow on the future, etc." To save the Union then, to avoid secession and to remedy the injustice which the tariff was occasioning, by the exploitation of one section for the benefit of another, he brought himself to believe, that by the Constitution a government had been formed, which certainly was not such as Charles Pinckney had conceived it to be, when he, the chief architect in its construction, presented it to the convention of South Carolina for ratification; nor such as they who framed the act (by which he and Charles Cotesworth Pinckney

[1] Statutes of So. Ca., Vol. 5, p. 4.

and the other deputies of the State had been empowered to assist in its preparation) had legislated for; nor such as Judge Nott had argued from the bench of South Carolina, in 1818, it must of necessity be; but such as Quincy of Massachusetts, in the House of Representatives, had argued, that it was in 1811, when Poindexter of Mississippi had called him to order and on appeal from the Speaker's ruling, the House by solemn vote had set its seal of approval upon, by overruling the Speaker in his sustenance of Poindexter's point of order.

Calhoun, therefore, had originated nothing; he had simply given new life and vitality to the principle enunciated in the Faneuil Hall resolutions of 1811, which, with greater ability and temperance, he put forward in a cause, to say the least, as just. And if the weakness of his argument may have been apparent to some of his fellow-citizens, the justice of the cause in which it was so temperately urged was recognized by all but a very small proportion; those whose course Hayne had predicted, with rare political sagacity, now established by one of the very leaders, he had foreseen, would be embarrassed by it.[1]

Writing to his friend Elliott on August 25, 1831, J. L. Petigru observes: "The Union party, after going on with marvellous discretion, have just come to something like a stump. They thought to send tracts into the country. B. F. H. had the lead and undertook to superintend it. He wrote the prospectus devilish well, too, but unluckily he slips over the line and, as our orthodox say, defends the tariff." [2]

The turn of the tide is evinced by Pinckney's wresting the Intendancy from Pringle in Charleston; yet so evenly divided still are the parties that the State Rights party fill a vacancy in the Legislature by a majority of only 8 votes over the 1346 cast for the

[1] Hayne's Letter of September 12, 1830; Speech of July 4, 1831, p. 20.

[2] Unpublished letters of J. L. Petigru in possession of J. P. Carson, Esq.

Unionist candidate. Then comes an appeal far more impressive than any utterance which could possibly fall from the lips or proceed from the pen of Hayne, Calhoun or any other Carolinian, the venerable Sumter, the hero of that continual warfare against the British in South Carolina which the historian McCrady declares was in the main responsible for the surrender at Yorktown, the consistent Republican, now in his ninety-fifth year, marks the coming year of his own long-deferred departure from this earthly life, with this solemn call: "The year 1832: The period when the character of the State of South Carolina and of her inhabitants shall be fixed forever. When no middle course shall be open to them, and when every individual will either rank among the enemies of the liberties of his country, or else among those who have honored it." [1]

It was with appeals such as these moving him that Hayne proceeded to the last session of Congress, in which he took a part.

[1] *Charleston Mercury*, Nov. 16, 1831.

CHAPTER XVIII

THE STRUGGLE FOR CONTROL OF SOUTH CAROLINA. THE LAST APPEAL TO REASON AT WASHINGTON

In the close of the year 1831, the Unionists, realizing that the tide of opinion in the State was setting in against them and that, in all probability, they would be weaker in the Legislature to be chosen in the following year than in the one the term of which was drawing to an end, attempted the execution of a flank movement of some skill, which they almost succeeded in effecting. On the introduction of a resolution favoring the renomination of Jackson, by a very full vote, the body put itself on record as not committed, 65 for, 90 against.[1] Following up this demonstration of Jackson's strength, they published an address to the people of the State, which was a strong document and signed by some men of more than local influence — ex-Senator William Smith, Judge D. E. Huger, ex-Governor R. I. Manning, ex-Congressmen Joel R. Poinsett and John Gist, Judge J. P. Richardson and J. L. Petigru, Esq. "We deny," the address declares, "that any State, by the Constitution, has the right to declare an act of Congress, passed within the letter of the Constitution (such as the tariff), and in which all of the States are equally interested, unconstitutional, and to arrest its operations within its limits." Then inquiring, "Can the Legislature pass a law laying imposts?" the answer is, "No; because the State parted with that right." The address admits, "It is true that ours is a government of checks and balances," but claims

[1] *Ibid.*, Dec. 3, 1831.

that "all which exist are to be found within the Constitution," and aiming evidently at Calhoun's publication of the previous year, declares that "any other is the product of a great mind grappling with a wrong cause, until error has gained the ascendency." While this address fails to suffer even by contrast with the elaborate argument of Calhoun, which it thus singles out to assail, it is because, avoiding the manner adopted by him, it aims to bring the matter before the mind of the reader in its practical operation. "We nullify the tariff law. Congress passes, by a constitutional vote, an act to call a convention, and Rhode Island nullifies it. What is to be done? Must there be another act to call a convention, to nullify Rhode Island's nullification? It seems to be unquestionable that there must." [1] Certainly the Unionists of South Carolina were contesting every foot of ground; nor was there any opponent so great and powerful as to find shelter from their fire, Sumter, alone, excepted; and how could they attack him? Was not the very existence of the State and the independence achieved in a great measure due to him? had he not exhausted every effort to prevent the ratification of the Constitution under which this exploitation of the State was being conducted? With Sumter, it was no fine discrimination as to powers, granted or withheld, express or implied, but the Revolutionary right of resistance to oppression for which, more than half a century before, he had freely poured out his blood; and his call the State thoroughly understood, and was preparing to respond to. In his "History of the United States," Mr. Elson says: "Notwithstanding the ominous warnings, the South Carolinians rushed on where angels might have feared to tread. Their State was in great turmoil; but it was in Washington that the seeds of disunion were nourished into growth under the leadership of Hayne." The ominous warnings to which this historian refers, he sets out as conveyed in a toast given by Presi-

[1] *City Gazette*, Jan. 6, 1832.

dent Jackson at a banquet, held in Washington on April 13, 1830, where, after many such, "bearing on State Rights, and savoring of nullification," he announced as his subject, "The Federal Union: It must and shall be preserved." Continuing, the historian declares: "He denounced as treason all movements toward nullification and disunion. His speech fell like a bomb in the ranks of the South Carolinians; they saw that they could get no sympathy from Jackson, that he was for the Union at all hazards. This occurred two and a half months after the great debate between Webster and Hayne, and a month before the final break between Jackson and Calhoun." The only authority for this, given by Mr. Elson, is Benton; but Benton does not altogether sustain it. Writing from his recollection many years after, Benton yet remembers the toast as originally reported, "Our Federal Union, it must be preserved." In addition to offering this toast, Jackson may have spoken; but Benton does not so state. What he does say is: "This brief and simple sentiment, receiving emphasis from all the attendant circumstances and from the feeling which had been spreading since the time of Mr. Webster's speech was received by the public as a proclamation from the President, to announce a plot against the Union and to summon the people to its defence."[1] The words "and shall" were words claimed by the *Philadelphia Sentinel* to have been used, after the discussion which arose, as to Jackson's meaning, and it was after Jackson's toast, not before, that Calhoun offered his, "The Union: Next to our Liberty the most dear; may we all remember that it can only be preserved by respecting the rights of the States and distributing equally the benefits and burden of the Union." While the third toast in order almost knits the two together. This was offered by Van Buren, Jackson's Secretary of State and political legatee: "Mutual forbearance and reciprocal concessions. Through their

[1] Benton, "Thirty Years' View," Vol. 1, p. 148.

agency the Union was established. The patriotic spirit from which they emanated will ever sustain it." [1] Four months later, Jackson did express disapproval of "this nulifying doctrine," and also declared that he "was aware of the hostility of the influential personage" with which William B. Lewis was seeking to acquaint him; but he seems *even then* to be depending more upon the South Carolinians putting it down themselves than preparing himself for any such effort, and it was not until after his breach with Calhoun at the end of the year 1830, or possibly until Van Buren was replaced by the abler Edward Livingston, that Jackson was made to understand what nullification *meant*. Prior to that time, he had practically approved it; and when he finally issued his proclamation against the doctrine, while the hand was the hand of Jackson, the voice was the voice of Livingston.

To describe Hayne as during this time occupying himself in nourishing the seeds of disunion at Washington, is not warranted by the facts of the case; rather he was exerting himself to the utmost to remove the cause of discontent, the exactions of that which his great antagonist had flippantly denominated "the accursed tariff." But into the Senate Chamber of the United States there now stalked the most remarkable figure of that time. Distinctly inferior to both Calhoun and Webster, in point of intellect, led into disaster after disaster by an erring judgment, the very prince of demagogues, Clay must have been nevertheless one of the most magnetic of men and, despite his bursts of arrogance, capable of inspiring a devotion never lavished upon his two great rivals. A part of the secret of his extraordinary hold upon his followers is accounted for in the admission of an active opponent, "Henry Clay never deserted a friend." [2] But this was not from policy, it was because his affections, once engaged, he was constant, and death itself could not tear from his heart the memory of a friend.

[1] *Courier*, April 24, 1830.

[2] Francis P. Blair.

His popularity was certainly not due to his successes; for few men of prominence in our national history have provoked and been worsted in so many encounters as the story of his life teems with. Failing to secure the Presidency, he had become Adams's Secretary of State, somewhat to the injury of the New England statesman, who, as the chief executive of the country, had been made to bear the odium of Clay's ill-digested projects for his own aggrandizement. Yet, in unintentionally crippling Adams, he had accomplished but little for himself. Still, he was a great presence and must live in history as the father of the American System, which, whether for good or ill, he was mainly responsible for. From the time of his debate with Hayne, Webster had almost replaced Dickerson as the leader of the protectionists; while Hayne still remained at the head of the free trade faction; but the division was not so sharp as to prevent them from not infrequently voting upon the same side, in the many questions coming before the Senate. Between the two no further clash had occurred; but this could not be credited to undue caution upon the part of Hayne, whose slashing assault upon the pension system seemed to call out for a defender; rather it was due to the fact that the former aggressor felt that he had nothing to gain by any further controversy, and that it was incumbent upon him not again to be found in that attitude without a most compelling reason. Hayne had, however, undoubtedly sacrificed some of his strength and influence in the State and nation to his absolute loyalty to Calhoun. Doubtless he realized that without Calhoun's assistance he might have failed to reach the high station he held, and for his chief's ambition, he entertained the warmest sympathy, believing him to be most eminently fitted for the Presidency; but this sympathy certainly led the younger man to assume at least one utterly indefensible position, which his own truer judgment had led him to advise strongly against. Had Hayne possessed that ability to steel himself against the demands

of friendship and gratitude for past favors, which Calhoun certainly was capable of, he would remain a less beautiful character; but he would be far better known and much more prominent. Benton describes him, in the great debate with Webster, as "the sword and shield" of Calhoun, and Benton certainly had some excuse for this description in connection with an instance in which he and Calhoun had been at issue, in which Hayne's sound judgment, keen perception and prompt action had saved Calhoun from a situation calculated to injure him, even if but slightly, in the estimation of the public. Calhoun had ruled Benton out of order, on some point raised, and Benton, very courteously but firmly, had informed the presiding officer of the Senate that he was so confident he was right that he felt compelled to appeal from the decision of the chair. But before the appeal could be put, Hayne, for whom Benton entertained a very great affection and warm regard, interposed and obtained a postponement to allow senators to look into the point. At the opening of the following day, Calhoun admitted his error and corrected it, without an appeal. If therefore Calhoun helped to advance Hayne to high station, Hayne most intelligently and loyally assisted Calhoun in maintaining his own.

With Clay's entrance to the Senate, Webster's hard-won leadership vanished; for the father of the American System promptly installed himself as leader of the protectionists, as well as of the opposition, thereby driving the hot-tempered Jackson towards free trade. The ability of the Southern men to utilize this, however, was profoundly affected by the personal difference which had arisen between Jackson and Calhoun.

On the 10th of January, 1832, Clay submitted his tariff resolution. The debt was about to be paid, and the duties must be reduced, the question was how they should be? He suggested, "That the existing duties upon articles imported from foreign

countries, and not coming into competition with similar articles, made or produced within the United States, ought to be forthwith abolished, except the duties on wines and silks, and that they ought to be reduced." At the very opening of his speech in favor of this course, Clay, addressing the Vice-President, made an allusion to their dead friend, William Lowndes, "a friend of yours and mine, whose premature death was not a loss merely to his native State, of which he was one of the brightest ornaments; but to the whole Nation. No man with whom we had the honor to be associated in the legislative councils combined more extensive and useful knowledge, with more firmness of judgment and blandness of manner than the lamented Lowndes." [1] Then passing to a consideration of the three modes by which the tariff might be reduced, he characterized the first and second, the contention of the South and his own original proposition, as both equally objectionable; but the third, the suggestion which he was now advocating, he maintained was the ideal solution. The spirit of the man, his methods and his policies, were unconsciously summed up in the sincere inquiry, "Why should those who opposed the American System demand of its friends an unconditional surrender?" That was Clay. Not what was best for the country, not what was wisest; but terms. Then failing to realize that in Adams and his diary there would arise the pruner of his periods, he launched his peroration: "Yes, Sir, I came here in a spirit of warm attachment to all parts of our beloved country; with a lively solicitude to restore and preserve its harmony and with a firm determination to pour oil and balm into existing wounds rather than to further lacerate them. For the truth and sincerity of these declarations I appeal to *Him* whom none can deceive. I expected to be met by a corresponding disposition and hoped that our deliberations, guided by fraternal sentiment and feelings, would terminate in diffusing contentment

[1] *City Gazette*, Jan. 20, 1832.

and satisfaction throughout the land. And that such may be the spirit presiding over them, and such their issue, I yet most fervently hope."

The warmth of his "attachment to all parts of our beloved country" is dryly set out by that cold-blooded individual, John Quincy Adams, who relates that on December the 28th he had attended a conference at which Clay had laid down as the principle of the party "to abolish and reduce the duties on unprotected articles, and to increase the duties on protected articles." Adams states that he "observed that an immediate remission of duties, with a declared disposition to increase the duties upon protected articles, would be a defiance not only of the South, as had been observed by Mr. Everett, but defiance also of the President and the whole administration party. Mr. Clay said he did not care who it defied. To preserve, maintain and strengthen the American system, he would defy the South, the President and the devil." [1] From this extreme position he had receded, under pressure from his own side; but to Webster, who was present at this conference, the speaker's allusions to the oil and balm he wished to pour into existing wounds must have been most impressive. Immediately upon the conclusion of Clay's speech, Hayne, as leader of the opposing faction, arose to move a postponement of any further consideration of the resolution and the making it the order of the day for the following Monday. In support of his motion, he called attention to the fact that the resolution contemplated an adjustment of the tariff, under which "articles of universal consumption and in relation to which every class of the public and every portion of the country contribute equally should be relieved entirely from all taxation; while the high duties on the protected articles should remain untouched." He alluded to the expressed hope of "common ground"; but asked how that was possible, with "no concessions whatever to our views,

[1] "Memoirs of John Quincy Adams," Vol. 8, p. 446.

but with the purpose to maintain the protective system in all its unmitigated rigor?" The situation seemed so threatening that Judge Baldwin of Pennsylvania proposed a plan of adjustment to Hayne and McDuffie, after consultation with ex-President Adams, which they could not tell him would be satisfactory to them or the South, but which Hayne did tell him he would be glad to see introduced by a Pennsylvanian senator.

On Monday, Hayne moved to amend Clay's resolution by striking out all after the word "countries" in the second line and inserting, "be so reduced, that the amount of the public revenue shall be sufficient to defray the expenses of government, according to their present scale, after the payment of the public debt; and that allowing a reasonable time for the gradual reduction of the present high duties on the articles, coming into competition with similar articles made or produced in the United States, the duties be ultimately equalized, so that the duties on no article shall, as compared with the value of that article, vary materially from the general average." In expressing his views, Hayne was obliged to cover ground most comprehensively surveyed in his great speech against the tariff bill of 1824, in an effort extremely difficult for any one to improve upon; yet, in certain respects, the speech of 1832 is a more finished product. Before him, he had a far abler adversary than Dickerson; indeed, in the popular estimate, the greatest living debater, although it is doubtful whether, in Hayne's opinion, he was such. It is interesting to notice the mode in which Hayne undertook to contend with Clay. There is an absence of that intense excitement which inspired some of his keenest thrusts and animated his first reply to Webster to its highest pitch of eloquence. He has himself as well in hand as he was in the second speech. Nothing in Hayne's style of speaking is so strikingly original as his ability to utilize eulogy of an opponent to strengthen his own cause. If

[1] *Ibid.*, Vol 8, p. 482.

there was lacking that burning eloquence in which he emblazoned on high the fame of Webster as an opponent of the tariff, as the latter declared, only that his fall might be the greater when he no longer opposed it; if there was no passage quite up to the style of that supremely pure and beautiful picture of the Republic, which adorns his own great speech of 1824, yet it was a truly great speech, fully worthy of the grave occasion upon which it was delivered and the great antagonist who could find in it no weak point which he could successfully assail. If Clay remembered the "farthing candle," which Hayne had pictured him in 1830, holding up to Webster's sun in 1824, he was not the man to bear malice; but had he been more of the nature of Calhoun or Webster, Hayne's opening might have partially disarmed him; for the latter said of him: "The Senator from Kentucky (Mr. Clay) commenced his remarks a few days ago by complaining of the advances of age, and mourned the decay of his eloquence so eloquently as to prove that it was still in full vigor. He then went on, Sir, to make a most able and ingenious argument, amply sustaining his high reputation as an accomplished orator." But Hayne was not idly complimenting Clay. Even in this he was attacking his speech as was soon apparent, and as difficult as this style of warfare was to meet. Continuing, he said: "With this example before me, Mr. President, I am almost deterred from offering any apology for the very imperfect manner in which I must, of necessity, perform the task now before me, lest I should create expectations which it will certainly not be in my power to gratify. And yet, perhaps, it may be permitted to one so humble as myself to say, that it belongs not to me at any time, or under any circumstances, and, least of all, at this moment, and on this occasion, to satisfy the expectations of those, if any such there be, who may have come here to witness the graces of oratory, or to be delighted with the charms of eloquence. I would not, Sir, on this occasion, play the orator if I could. . . .

Confiding in the indulgence of the Senate, and deeply sensible of my inability to do justice to the important subject . . . I shall proceed at once in the plain, unadorned language of soberness and truth to the examination of the questions now before us. The gentleman from Kentucky set out with the declaration that he did not deem it necessary to offer any arguments in favor of the American System, 'that the protecting policy stands self-vindicated, that it has scattered its rich fruits over the whole land, and is sustained by the experience of all-powerful and prosperous nations.' Sir, we meet these positions at once by asserting, on our part, that the Protecting System stands self-condemned — condemned in our own country, by the desolation which has followed in its train, and the discontents it has produced — condemned by the experience of all the world, and the almost unanimous opinion of enlightened men in modern times. . . . We are seeking relief from an abiding evil. . . . We cannot stand where we are. We cannot, like the gentleman from Kentucky, rest on mere unsupported assertions." [1] Then taking up the claim that "the much-abused policy of 1824 has filled our coffers, etc.," he contends that "the object of a protecting tariff as such certainly is to diminish or exclude importations and, of course, to lessen the amount of revenue derived from duties. The very end and aim of such a system is to substitute for the imported taxed article the untaxed domestic article, to transmute the tax into a bounty to the manufacturers, and just so far as this end is attained, that is to say, just so far as the tariff is protective must it cut off the public revenue." Concerning the "rich fruits" which the protective policy had "scattered over the country," Hayne said he would apply a test "which cannot deceive us with regard to the gentleman's own State. When the policy of 1824 was before Congress, the Senator from Kentucky stood

[1] Speech of R. Y. Hayne, "Reduction of the Tariff, 1832." Printed by Jonathan Elliott, Pennsylvania Avenue, Washington, p. 3.

forth as its champion, and it was my lot to attempt to answer his arguments. It is true, Sir, that his speech was made in the other House and mine on this floor, but his argument had been sent forth as the manifesto of the party; it was printed in pamphlet form and laid on the tables of the senators. . . . I well remember, therefore, that on that occasion the gentleman argued that Kentucky was to participate in the protecting system, by raising large quantities of hemp, and supplying the Southern States with cotton bagging; and he strongly insisted that she was then only prevented from so doing by the ruinous competition of the little Scotch towns of Inverness and Dundee. And what is it, Sir, that we hear now, after the lapse of eight years? The old story repeated. Kentucky still deprived of the benefits of the protecting system by those formidable rivals, Inverness and Dundee. They still constitute 'the lion in the path,' and foreign manufactures ever will be 'the lion in the path' to those whose prosperity depends on the protecting system." Passing from the West to the South, he cites Charleston as evidence of "the crumbling memorial of our wealth and happiness," declaring that it was within his own experience that "a thriving foreign commerce was within a few years past carried on direct to Europe. We had native merchants, with large capitals engaged in the foreign trade. We had thirty or forty ships, many of them built and all owned in Charleston, giving employment to a numerous and valuable body of mechanics, tradesmen and mariners. Look at the state of things now. Our merchants bankrupt or driven away — their capital sunk or transferred to other pursuits — our shipyards broken up — our ships all sold." He admitted frankly that there were other causes which had contributed to produce the evils which he had depicted, that trade could be carried on with greater facility at New York and cotton raised more profitably in Alabama; but contended that "men do not quit their accustomed employments or the homes of their fathers for

any small addition merely to their profits." He took occasion to warn the representatives of the new States that they could not long escape the common fate; they would only be the last victims devoured. He declared that there was "no escape from this political Polyphemus, unless they assume the fleece — become manufacturers and take the bounty." Even at the North, he averred, there were "wise and experienced and patriotic men . . . who tell us . . . that the system has operated in building up a favored class, at the expense of the rest of the community. That it has, in fact, 'made the rich richer and the poor poorer.' . . . But there are higher and more sacred principles involved in this question, which cannot be safely disregarded — considerations of justice and political equality which rise far above all calculations of mere profit and loss. Sir, what will it profit you 'if you gain the whole world' and lose the hearts of your people. This is a confederated government, founded on a spirit of mutual conciliation, concession and compromise; and it is neither a just, prudent, nor rightful exercise of the high trust with which you are invested for the common good, to resort to a system of legislation, by which benefits and burdens are unequally distributed. . . . A large portion of your fellow-citizens, believing themselves to be grievously oppressed by this system, are clamoring at your doors for justice, while another portion, supposing that they are enjoying rich bounties under it, are treating their complaints with scorn and contempt. God only knows where all this is to end. But it 'will not and cannot come to good.' We at the South still call you our brethren, and have ever cherished towards you the strongest feelings of affection; but were you the brothers of our blood, for whom we would coin our hearts, it is not in human nature that we should continue to retain for you undiminished affection, after all hope of redress shall have passed away — or while we shall continue to believe that you are visiting us with a hard and cruel oppression, and enforcing a

cold and heartless policy." In contrast to the true but gloomy picture he had drawn, the speaker next most felicitously portrayed free trade: "It looks on all mankind as children of a common parent — and the great family of nations as linked together by mutual interests. Sir, as there is a religion, so I believe there is a politics of nature. Cast your eyes over this various earth — see its surface diversified with hills and valleys, rocks and fertile fields. Notice its different productions — its infinite variety of soil and climate. See its mighty rivers winding their way to the very mountain's base, and thence guiding man to the vast ocean, dividing, yet connecting Nations. Can any man who considers these things, with the eye of a philosopher, not read the design of the great Creator (written legibly in his works), that his children should be drawn together in a free commercial intercourse, and mutual exchanges of the various gifts with which a bountiful providence has blessed them? Commerce, Sir, restricted even as she has been, is the great source of civilization and refinement all over the world. Next to the Christian religion, I consider Free Trade, in its largest sense, as the greatest blessing that can be conferred upon any people." It was not free trade, pure and simple, that he advocated, but a tariff for revenue, to defray the expenses of government, limiting "protection to articles necessary to national defence"; but that fact did not destroy the force and beauty of the passage quoted. From this he passed to a consideration of the inequality and injustice of Clay's proposition: "We tell you, Sir, that the protecting duties operate as a tax upon us and as a bounty to the tariff States. We insist that it is a violation of the principles on which our government is founded and reduces us to a state of colonial vassalage — and this it substantially does, if we are not mistaken in its operation, and Mr. Grattan's definition of a colony is the true one: 'A country governed in reference to the interest of another.'" After a thorough and exhaustive review of the sub-

ject, which the above gives but the most imperfect conception of, he closed with an appeal which should have protected him for all time from the accusation of "nourishing the seeds of disunion." "Sir, I call upon gentlemen upon all sides of the House to meet us in the true spirit of conciliation and concession. Remove, I earnestly beseech you, from among us this never failing source of contention. Dry up at its source this fountain of the waters of bitterness. Restore that harmony that has been disturbed — that mutual affection and confidence which has been impaired. It is in your power to do it this day; but there is but one means under heaven by which it can be effected, and that is by doing equal justice to all. And be assured that he to whom the country shall be indebted for this blessing will be considered as the second founder of the republic. He will be regarded in all after times as the ministering angel, visiting the troubled waters of our political dissensions and restoring to the element its healing virtues." [1]

[1] Speech of R. Y. Hayne, "Reduction of the Tariff." Printed by Jonathan Elliott, 1832 Pennsylvania Avenue, Washington, p. 43.

CHAPTER XIX

CLAY THREATENS SOUTH CAROLINA IN HIS REPLY. HAYNE'S ERROR IN SUPPORTING CLAY, WEBSTER AND CALHOUN IN THEIR OPPOSITION TO VAN BUREN'S APPOINTMENT. HE SUPPORTS BENTON IN SUSTAINING JACKSON'S VETO OF THE BANK BILL AGAINST CLAY AND WEBSTER

Hayne's speech was replied to by Ewing of Ohio, in a strong, fair presentation of the opposing argument; and by Clay, with all the force and power that great debater could bring to bear upon it, marked by the usual intemperance and inexactitude of that statesman. Following the example of Webster, in the great debate, Clay spared his real opponent, in this case, Hayne, and fell heavily upon old Senator Smith of Maryland, who was for concessions to the South. Ewing and Clay both did attack Hayne's weakest point; but not as effectively as they might have done, they sharing, in all probability his belief that manufactures could not prosper in the South. Of the two speeches, Ewing's was pitched upon the higher plane, and from it Hayne, later, drew a strong argument in support of his great railroad scheme. Clay's speech was rather truculent in parts, although very complimentary to Hayne, from whom he sought to draw some admission which might enable him to emulate Webster's peroration in behalf of the Union. But Hayne refused to be drawn, and so clearly expressed himself that Clay was obliged to express his satisfaction, which he did as follows: "I am happy to hear this explanation. But, Sir, it is impossible to conceal from our view the facts that there is great excitement in South Carolina; that the protective system is openly and vio-

lently denounced in popular meetings and that the Legislature had declared its purpose of resorting to counteracting measures — a suspension of which has only been submitted to for the purpose of allowing Congress to retrace its steps. With respect to this Union, Mr. President, the truth cannot be too generally proclaimed, nor too strongly inculcated, that it is necessary to the whole and all the parts; necessary to those parts indeed in different degrees; but vitally necessary to each, and that threats to disturb or dissolve it, coming from any of the parts, would be quite as indiscreet and improper as would be threats from the residue to exclude those parts from the pale of its benefits. The great principle which lies at the foundation of all free government is that the majority must govern, from which there is or can be no appeal but to the sword. That majority ought to govern wisely, equitably, moderately and constitutionally; but govern it must, subject only to that terrible appeal. If ever one or several States, being a minority, can by menacing a dissolution of the Union succeed in forcing an abandonment of great measures deemed essential to the interests and prosperity of the whole, the Union from that moment is practically gone. It may linger on in form and name; but its vital spark has fled forever. Entertaining these deliberate opinions, I would entreat the patriotic people of South Carolina to pause. . . . To advance is to rush on certain and inevitable disgrace and destruction." [1]

There is truth in this, undeniable truth, and true statesmanship would have avoided the risk, save under an imperative necessity, making it incumbent to back up words with deeds. A concession to an appeal at this time would have been true wisdom. Yet Clay was the one prominent man whose egotism stood in the way of a just settlement. John Quincy Adams and Andrew

[1] Speech of Henry Clay in "Defence of the American System." Printed by Gales & Seaton, p. 31.

Jackson both desired concessions. Webster was quiescent; Clay alone obdurate and threatening. He pushed through his amendment, which was passed by a vote of 23 for, to 18 [1] against. Webster and his great admirer, Chambers of Maryland, failed to vote, as also Naudain of Delaware, Dallas of Pennsylvania, Ruggles of Ohio, Robinson of Illinois and Mangum of North Carolina, all of whom did vote with the majority on the final vote, except Mangum, who voted with the minority. Defeated for the Presidency in the same year, and realizing that South Carolina had put the matter to the test, Clay was mainly instrumental in forcing Congress in the following year to retrace the steps he had most positively insisted upon that body taking in this.

Later in this last session, Hayne joined with Clay and Webster in refusing to confirm the appointment of Van Buren as Minister to Great Britain, according to the Unionist press of his own State, on account of "the supposed influence of Van Buren in breaking up the cabinet," [2] and according to the *Savannah Gazette*, by whom he was designated as the "corypheus" of the Free Trade party, because Van Buren had produced a breach between the first and second officers of the government. This was not sufficient ground for his action, and, as he subsequently declared, the step was taken at the dictates of party, was against his judgment, "was unwise and impolitic" [3] and made Van Buren President. Calhoun, however, according to Benton, thought that it would kill Van Buren.

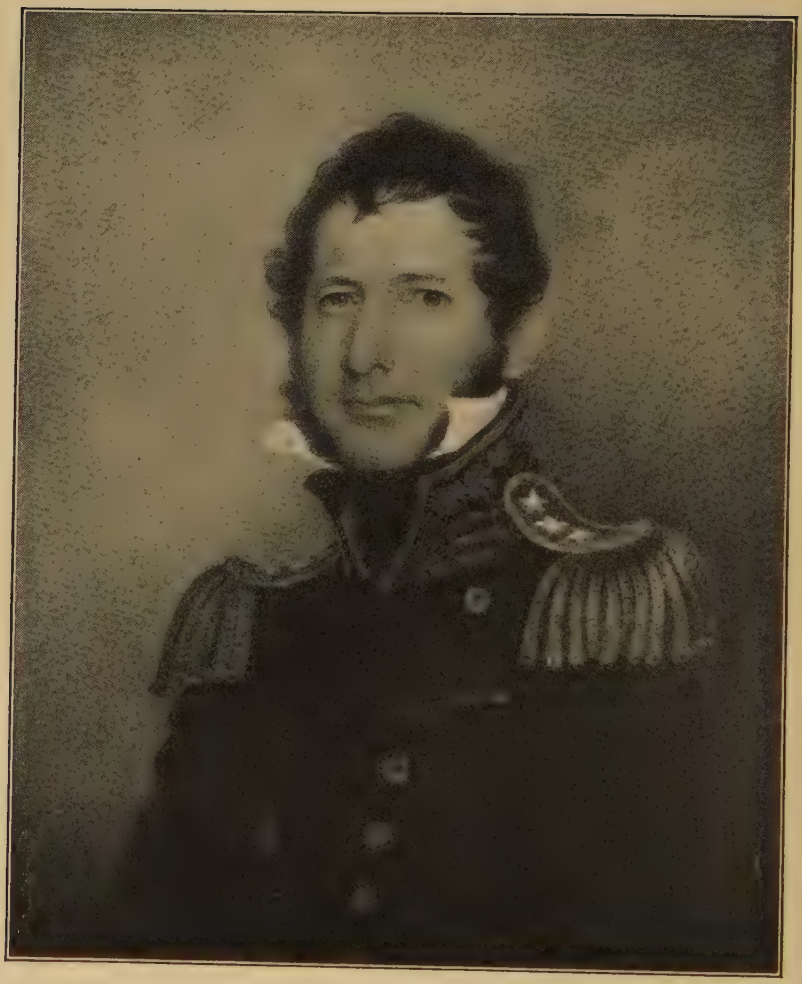
Webster's failure to vote for or against Clay's amendment to the tariff bill had been noted in South Carolina, and W. Gilmore Simms, in the leading Union paper, had asked, "Why?" declaring in answer to his own inquiry that "a question like the one before him, of such vital interest to all parties in the Union — to the Union

[1] "Abridgment of the Debates of Congress," Vol. 11, pp. 425–513.
[2] *City Gazette*, March 9, 1832.
[3] *Courier*, 1839.

itself — is not to be avoided by the honest patriot.[1] In the apportionment bill, Webster had Hayne's support as long as he pushed it; but when, dissatisfied with the trend of legislation, he sought to block it, Hayne voted against him. It being now realized that no concessions were to be expected from Congress, the State Rights party proceeded to name Hayne for the post of Governor, with Calhoun to succeed him in the Senate, the *City Gazette*, no longer edited by Simms but still union in sentiment, declaring: "It is admitted that the former gentleman is injudiciously pitted against Clay and Webster, and, nullification out of the question, Mr. Calhoun's place should be in front with these two formidable politicians." [2] Yet the same paper immediately after states that "Mr. Hayne, along with Clay and Webster, has taken the most active part in warring, as well against the foreign as the domestic policy of General Jackson's administration." [3] While a few days later it publishes an extract from the *Alexandria Gazette*, which certainly does not seem to indicate that Hayne was suffering from contrast with any members of the Senate. "Mr. Hayne's speech against the pension bill is called a splendid one. We had the pleasure of hearing him. Mr. Hayne is an orator of the finest mould and best stamp. We admire his ardor, his enthusiasm. We like to see him warm with his subject and blazing out with finest zeal. There is something in his manner which is irresistibly pleasing. His is the kindling eloquence which so much excites the passions. He is an ornament to his State, to the Senate and to the Country." [4] Meanwhile, within South Carolina, the Unionists were striving to block nullification with a call for a convention of Southern States, and so earnestly that one of them, Congressman Blair, proposed in such to move for "a revenue tariff or separation, peaceably if we can, forcibly if we must." [5] Apparently unaffected by the

[1] *City Gazette*, March 30, 1832.
[2] *Ibid.*, April 30, 1832.
[3] *Ibid.*, May 1, 1832.
[4] *Ibid.*, May 16, 1832.
[5] *Ibid.*, May 12, 1832.

political strife, the railroad moved on and was now opened for traffic from Charleston as far as New Summerville, a distance of 22 miles. And now to add to the completeness of his victory on the tariff, and thoroughly equip him for his campaign for the Presidency, Clay brought in his Bank Bill, never dreaming that Jackson would dare to veto it on the eve of an election, which was exactly what Jackson did do. Clay and Webster strove in vain to pass it over the veto, in place of the necessary two-thirds, rallying only 22; while Benton, assisted by Hayne, ranged 19 in opposition. So closed this most important congressional session, in which the last appeal to reason having been denied, preparations immediately began for an appeal of a different nature. Hayne's nine years in the Senate, apart from the great controversy with Webster, were marked by four great utterances on questions of the profoundest importance, indicating such thorough study, complete grasp, keenness of analysis and amplitude of illustration, that no man to-day is so learned that he will not find profit from their perusal. His speech on the pension system is a great and convincing argument, which time has thoroughly vindicated. His two speeches on the tariff are so exhaustive, so luminous, so reasonable and so grandly eloquent, that they can scarcely be added to to-day. His speech on the negro question, apart from the mournful prophetic note, later illustrated by history, is, in its nature, so profoundly thoughtful that it will take more than a century from the time of its delivery for its great wisdom to be accurately estimated.



JAMES HAMILTON, JR., 1832.

BOOK III

THE APPEAL TO FORCE

CHAPTER I

THE NULLIFICATION CONVENTION. HENRY MIDDLETON'S POINT. HAYNE ELECTED GOVERNOR, FLOYD FOR PRESIDENT. HAYNE'S INAUGURAL

WITH the adjournment of Congress in July, the contest opened in Charleston, between Union men and nullifiers, over the election of Intendant and Wardens for that city, in which the nullifier, H. L. Pinckney, received 1112 votes to 950 cast for H. A. De Saussure, the Unionist candidate,[1] yet in the very heat of which the Unionist press of that city felt constrained to allude to "the spirit of magnanimity" [2] with which Hayne had conducted a controversy with Drayton. Not content with this, Hayne exerted himself to secure every opportunity for a fair and true expression of opinion on the approaching, more important election of members of the Legislature, at which the question of calling or not calling a convention to nullify the tariff act would be decided; and a committee, consisting of R. Y. Hayne, Henry Deas, Paul Axson, Thomas Lehre, Jr., and Charles Parker, in behalf of the State Rights and Free Trade party, and William Drayton, James L. Petigru, F. Y. Porcher, John Robinson and John Stoney for the Unionists, drew up a set of rules to conduct same.[3]

[1] *City Gazette*, Sept. 15, 1832. [2] *Ibid.*, Sept. 5, 1832.
[3] *Ibid.*, Sept. 14, 15, 1832.

Some extracts from the correspondence of J. L. Petigru give a view from the Unionist side. Under date of September 20 he writes: "As to our prospects, they are not as flattering as I could wish. . . . Cheves's second number is coming out. He ought to put his name to it. Occasional reviews is a ridiculous title for a controversial, political pamphlet. As far as the manner of publishing can weaken the effect of his opinions, he has made sure of depriving them of any dangerous authority." And again: "Of course you have seen Calhoun's last piece. I think that it requires answering, and that he is entitled to some credit for the skill with which he has put together his materials. But it is a paltry affair. Disconnected from the excitement of the day, the reasoning would be little attended to. He has abandoned the old ground of each party judging for himself, and now stands altogether upon allegiance, the exclusive and absolute allegiance of the citizens to the State. There is no such allegiance, and his declaration, that there is no such thing as the American People, is unworthy of a citizen. . . . I hope Mr. Cheves will take up this argument and push him to the wall." [1] So thoroughly, on the other hand, did his opponents respect and esteem Hayne, that in the very hour of their defeat, when, after a close contest, by 1448 votes to 1316,[2] the State Rights party elected their ticket from Charleston to swell the overwhelming majority for nullification, the representative Unionist paper in Charleston declared, "If General Hamilton will take Calhoun and McDuffie with him, he may leave General Hayne and travel for six years, and they will find South Carolina the most happy, prosperous, well-governed people of God's earth." [3] On convening, by a vote of 30 to 13, in the Senate and 96 to 25 in the House, the Legislature called the convention to nullify, and Hayne led the ticket of delegates from Charleston, the Unionists putting up none.

[1] Unpublished correspondence of J. L. Petigru, Sept. 20 and 28, 1832.
[2] *City Gazette*, Oct. 11, 1832. [3] *Ibid.*, Oct. 27, 1832.

Even then, from outside, men looked to him, and Littel of Pennsylvania addressed him in a communication, concerning a settlement containing the germ of reciprocity, with which he asserted the President was in accord, concluding with the words, "The friends of Free Trade and the true American system in the Middle and Eastern States have through the long storm looked to the South for their ablest pilots." [1] But nullification was now assured, and the breezy comment of Mr. Petigru indicates what was expected by some. Under date of November 18 he says: "The Government is wide awake to the plot of our demagogues, and there will be a scene before a great while; for I understand that it was decided before the call of the convention that the State shall secede, if coercion is attempted. That coercion, very vigorous and effective, as far as the old man is concerned, will be employed, there is no room to doubt." Continuing the expression of his views, he says that it is "hard to predict what Georgia, between the love of sedition and hate of Calhoun, will decide on." [2] The convention met, and Hamilton was chosen President. Committees were appointed, and a subcommittee consisting of R. Y. Hayne, R. J. Turnbull, George McDuffie and Judge Harper were assigned special tasks.[3] Harper was to draft the ordinance, declaring the tariff act null and void, Turnbull was to prepare an address to the people of the State and McDuffie one to the people of the Union; while Hayne was to construct an exposition of the proceedings of the State. But before the convention could fix the time for the adoption of the nullification ordinance, as February 1, 1833, a point was made against its adoption at all, and one which deserved attention. Henry Middleton, who had succeeded Langdon Cheves as Charleston's representative in Congress, and upon his appearance as a candidate for a second

[1] *Ibid.*, Nov. 22, 1832.
[2] Unpublished correspondence of J. L. Petigru.
[3] *City Gazette*, Nov. 22, 1832.

term been obliged to fight a hard battle with Dr. Moser, on the ground that the incumbent was no speaker, had, after that victory, stood no longer; but filled a diplomatic mission. He had been a Governor of the State and was now one of the most distinguished supporters of the Unionist cause, and his point deserved serious consideration; although it received but scant recognition, its reception indicating most forcibly how slight a regard a majority has for the arguments of a minority, even when its own cause of action is its oppression by a greater majority. Middleton's point (that, in a matter affecting the rights of all the people so profoundly as a nullification, by the State, of acts of the General Government would, no convention chosen upon a basis affected by property representation properly represented them)[1] was based on the principle that a revolutionary measure should have for its support the unmistakable majority of the people who may be called on to carry it through. But it was brushed aside, and the convention adjourning, after passage of the ordinance, to take effect, as provided, subject to the call of the President, the Legislature reconvened and, on motion of Seabrook, the Senate resolved that the Governor be requested to intimate to the commanding officer of the Federal troops in Charleston that he make arrangements to move the troops, now in garrison in the State Citadel, as early as possible, as the accommodations of that building were needed for the arms of the State,[2] a rather ominous hint. At the same time Hayne was criticised by the Unionist press because of his omission of that portion of Governor Hamilton's address which called for the raising of 12,000 troops, when he read the same, at a public meeting; but as Duff Green, at Washington, about the same time advised cautious behavior, no doubt Hayne was in accord with Calhoun in this. In the rumble of these preparations the echoes from a meeting in which Unionists and nullifiers joined to commemorate the life

[1] *City Gazette*, Nov. 27, 1832. [2] *Ibid.*, Dec. 8, 1832.

and deeds of Sir Walter Scott, indicate that the former found the propriety of Hayne's utterances and his speech in support of the resolutions providing for a memorial, worthy of his most successful efforts. On the 6th of December, Floyd of Virginia and Lee of Massachusetts were chosen by the Legislature for President and Vice-President, respectively,[1] on what particular grounds is not clear, save that through Calhoun's correspondence it appears, Floyd was a close personal friend of Preston (the most active propulsive force at that time for nullification), and incidentally Governor of Virginia. Two days later, the President's Message to Congress made its appearance, almost identical in its reference to the tariff with the views expressed by Hayne [2] in his speeches, and so mild in its allusions to the proceedings in South Carolina, as to give great encouragement to the nullifiers. While the State had thus, under the advice of her greatest living son, put herself, as he styled it, "on her sovereignty," far from her borders, a voice was raised in defence of one who had been her pride in the days of her greatest national influence. John Randolph, in querulous old age, had criticised William Lowndes and was promptly rebuked by the *National Gazette* for his injustice to "a dead statesman, whose mould was thought to be halloed beyond all hardihood of cynical or vindictive malice." [3]

With the threat to nullify the tariff by the second month of the ensuing year, and with every energy pushing her great railroad to the borders of Georgia, and now having it open for traffic for sixty-two miles, South Carolina was certainly making a daring effort to break the bonds of "colonial vassalage." On December 13, by a vote of 123 for him and 26 blank ballots,[4] Hayne was chosen Governor, without opposition. He had just attained his forty-first year, having been senator for ten years. Of all the leaders of

[1] *Ibid.*, Dec. 6, 1832.
[2] *Ibid.*, Dec. 10, 1832.
[3] *Ibid.*, Dec. 12, 1832.
[4] *Ibid.*, Dec. 13, 1832.

the nullifiers, the one pressing forward most ardently in the new policy, and destined to secure in the near future the handsomest indorsement from the victorious faction, the cultivated W. C. Preston, has left this account of Hayne's resignation of the senatorship and elevation to the position of Governor: "When towards the close of General Hamilton's administration the progress of the South Carolina controversy with the General Government seemed to lead to a dangerous collision, all those in the State, who were actively engaged in it, with one accord, turned their eyes to General Hayne as the leader in the approaching crisis. There was no division of sentiment, no balancing between him and others. His superior, indeed, his perfect fitness for the occasion, left us no choice, and compelled him to resign a station suited to his taste, adapted to his habits, for which he had peculiar talents and in which he was in the midst of circumstances, promising the highest gratification to the loftiest ambition, for one full of difficulties and dangers, of labors and uncertainties; but which necessarily involved, at least, a temporary sacrifice of a wide field of National glory for a circumscribed sphere of State duty. His long and exclusive occupation in public affairs, to the entire neglect of his private, had made it inconvenient for him to encounter the increased expenses, which our peculiar condition exacted from the Governor. All the difficulties and peculiarities of his position were fully present to his mind, and were the subject of a free and confidential conversation between him and several of his friends. The interview was protracted until a late hour of the night, and concluded by this declaration from General Hayne: 'Gentlemen, you think my services are needed by the State? She shall have them. I acquiesce from a sense of duty. You must give me a liberal support, and we will do the best we can.'" [1] Preston, who himself soon after entered the United States Senate, declares of the members

[1] O'Neall, "Bench & Bar," Vol. 2, p. 20.

of that body, that Hayne "had left upon their minds a feeling of profound respect, and many of its wisest and best members regarded him with love and admiration. Judge White, especially, often spoke of him with enthusiasm, and declared that he had known no man more fit for the Presidency of the United States — a sentiment in which very many concurred." Of Hayne's inaugural as Governor, Mr. Preston declared that it "was the most successful display of eloquence" he had "ever heard," and this, it must be borne in mind, was after he had obtained the opportunity of hearing the giants of the United States Senate in discussions, in which he himself bore no unworthy part. Yet he thought the reading of the inaugural could not properly convey any adequate idea of "the images which the speaking of it left upon the mind." If in the perusal of it there be lacking those attributes of kindling eloquence the tone, the bearing and the appropriate gesture, yet the high purpose and devotion to duty as he saw it, lend to it great dignity and force. Opening in a tone of depression or melancholy, which a thorough appreciation of his position made almost inevitable, it rises without a suspicion of gasconade to a firm yet discreet presentation of the State's case, which almost impells argument in reply, before force could be resorted to, and ends with an animating appeal. Extracts convey some idea of the views of the man, if but little of the power of the speech. "Fellow-citizens of the Senate and House of Representatives," be began, "I appear before you in obedience to your commands to take upon myself the discharge of the important duties you have imposed upon me. The office of Chief Magistrate of the State is at all times one of high dignity and trust, and assumes at the present juncture very great and fearful responsibility, and believe me when I say, I enter on its duties with a sincere distrust of my abilities. These considerations have not deterred me, however, from attempting the discharge of the duties confided to me, convinced that every man owes a duty

to his country which he is bound to perform at every sacrifice." He then asks his hearers to bear with him, while he indicates the difficulties. "The intense excitement that prevails in the bosom of our State, the evils from which we are threatened from without and the embarrassments that exist at home, satisfy me that exigencies will arise, during which let your chief magistrate act as he may, he will be compelled to encounter reproach and reprehension." These difficulties, however, he declared would not shake his determination to do his duty, and he pledged himself to uphold the sovereign authority of the State, with regard to which he acknowledged no paramount allegiance elsewhere. The carrying into effect of the ordinance of the convention and every act of the Legislature and judgment of the courts founded on the same, he asserted, he would strive faithfully to perform; while in administering the ordinary affairs of the office he would "endeavor to reconcile the discontent which prevails among our people, to allay party animosity and to bring all of our citizens to a recollection that we are members of one family, and that our highest and constant aim should be in the greatest degree to promote each other's happiness." Passing from this, he states his case: "After ten years of unavailing remonstrance, in common with other Southern States, South Carolina has in the face of her sisters of the confederation and the world put herself upon her sovereignty. She has declared in the most solemn manner that the acts of Congress, imposing duties on the importation of foreign commodities for the protection of manufacturers, shall not be enforced within her borders. . . . She was compelled to assert her just rights or sink into a state of colonial vassalage. What steps will be taken in the present emergency by the other States, it is impossible for us to foresee. If South Carolina is not relieved, either by a satisfactory adjustment of the tariff or by a general convention of all the States, she has declared before God and Man that she will maintain the

position that she has assumed; nor will she change it until her wrongs are redressed, or until some mode is pointed out that will relieve her of her burthens. She is anxiously desirous of peace; she has no wish to dissolve the political bonds which connect her with the other States; but, with Thomas Jefferson, she does not regard the dissolution of the Union as the greatest of evils; she regards one as greater, viz., submission to a government of unlimited power. She has regarded the present tariff as the settled policy of the government; but if deceived, is willing to be undeceived. South Carolina desires that the question may be settled, whether the General Government possesses the power to make it the unalterable policy of the country. She appeals to the Constitution, as it was originally adopted, not as it is at present converted into an instrument of oppression. Standing on the basis of the Constitution, she cannot think that an attempt will be made to drive her from her position by force. She will regard any attempt to force her into submission as severing the tie which connects her with the confederated States." Then, after an argument to show why success should follow the attempt to have the question settled, he concludes with an invocation, which breathes the spirit of high resolve: "Fellow-citizens, this is our own, our native land. The soil of South Carolina is rich with precious blood shed in defence of the sacred liberties we have received as our hostage and which we are bound to transmit, unimpaired, to posterity. Here all the endearments which render our lives pleasant are to be found. Here are the cherished monuments of our former happiness. Here repose in everlasting silence the bones of our ancestors. Here are treasured up all the hopes that bind us to our country. Let us resolve, then, that whatever others do, although they may desert us in the present struggle and give aid and success to our enemies, we will venture our all for Carolina." [1] He then, in a few words,

[1] *City Gazette*, Dec. 15, 1832.

announced himself "ready in the solemn form prescribed in the Constitution to dedicate" himself "to the service of the State." This inaugural put the policy of nullification, in its application to the question at issue, in the very best aspect in which it could be viewed as a mode of settling "whether the General Government possesses the power to make it (the tariff as it then was) the unalterable policy of the country." The hint that she would submit, if a general convention of the States decided against her, strengthened the position of the nullifying State. A fair adjustment of the tariff or the inequitable exercise of power sanctioned, not by mere numbers in the Federal representative body, but by States as well, was an unconscious approach to the referendum.

The placing of Hayne in the post of power and of danger was wise. Doubtless, to some extent, his statements were not altogether palatable to extremists; but by such their hands were tied and opponents outside estopped from immediate action, and thus time afforded for a settlement. Personally agreeable to both the President and his extremely able Secretary of State, Livingston, it may be well believed that both of them were very loath to sacrifice Hayne, without an attempt first to induce him by argument to recede; and so was produced that remarkable State paper, known as Jackson's proclamation, but which bears all the earmarks of Livingston, the strongest presentation of the opposing argument to nullification ever penned.

CHAPTER II

CALHOUN SUCCEEDS HAYNE IN THE SENATE. THE PRESIDENT'S PROCLAMATION. ITS FORCE AS ESTIMATED BY THE LEGISLATURE OF SOUTH CAROLINA. JOHN QUINCY ADAMS'S OPINION OF IT AND OF HAYNE'S REPLY

Upon the day following that in which the Governor had been chosen, the vacancy in the Senate had been supplied by the election of Calhoun, by a vote of exactly the same number, but cast in a slightly different manner. In place of the 123 votes cast for Hayne for Governor, only 121 were cast for Calhoun for senator; while instead of the 26 blank ballots cast in the gubernatorial election, 28 votes were divided between others, named for the senatorship; still Calhoun's election was overwhelming, if it could not be said of it, as was the case with Hayne's, that it was without opposition. From the time of his election until December 28[1] nothing was heard of Calhoun, and all attention was concentrated upon the issue joined between President and Governor; and from the terms of the Proclamation, so different from the placid Message which had preceded it, there can be no doubt but that the inaugural drew the Proclamation, and Hayne should accordingly be known to our national history for drawing an argument in support of the Union and against nullification, of distinctly greater strength and power than that which "he drew from the greatest of American orators, the greatest oration of his life," even though that may be. Although scarcely any mention is made of the fact, in history,

[1] *Charleston Mercury*, Dec. 28, 1832.

as it is usually written, Edward Livingston had participated in the great debate in which Hayne and Webster were the shining actors; and no contribution, in point of wisdom, equals his statesmanlike utterance on that occasion. The perusal even of his incompletely reported speech justifies the comment of the correspondent of the *New York Journal of Commerce*, that he was "a model of dignity and decorum in the Senate . . . a ripe and liberal statesman." [1] He did not indorse the remarks of Webster or of Hayne; but gave his own views, for the distinct reason, as alleged by himself, that he differed in greater or less degree from every senator who preceded him; and that description included almost every speaker in the debate. While he inclined much more to the side supported by Webster, he sustained the position of Hayne, not only that the Constitution was a compact, but "a compact of each one with the whole; not as has been argued (in order to throw a kind of ridicule on this convincing part of the argument of my friend from South Carolina) with the Government, which was made by such compact," [2] thereby putting himself in issue not only with Webster, to whom he was alluding, but anticipating also the argument of Calhoun, in opposition to this view of Hayne, brought out by Calhoun a year later in his letter of July 26,1831. Livingston, indeed, distinctly stated that he regarded not only the contention of Hayne, that each State possessed a constitutional veto upon any act of the whole, whenever in the opinion of the Legislature of such State the act was contrary to the Constitution, dangerous, but also the contention of Webster, that there was no compact, and the Union entirely popular. In fact, the nearest approach to the view of Livingston is to be found in the view, as set out by that statesman, who contributed most to the framing of that great instrument, in the speech in which he pressed its adoption on his native State in

[1] *City Gazette*, April 21, 1830.

[2] "Abridgment of the Debates of Congress," Vol. 10, p. 493.

1788, Charles Pinckney. The view which had prevailed in South Carolina from that time, until, under the vigorous assaults of Smith and his following in 1825, it was completely undermined, to be overthrown absolutely, in spite of Smith's opposition, by Calhoun in 1832. Edward Livingston was now Jackson's Secretary of State, and upon him, as the chief adviser of the administration, was the responsibility he had foreshadowed in his great argument and for which he had "denounced most vehemently the tariff." It is impossible to think that the Proclamation was the work of any other hand than his. Even with the use of the possibly faulty word "nation," the Proclamation fastens with unerring acumen upon the weakest point of the opposing argument, as did the senatorial speech, with the simple statement, "We declared ourselves a nation by joint not by several acts," and closes with terrific force in the continuing declaration, "The Constitution of the United States forms a government, not a league, and, whether it be formed by compact between the States or in any other manner, its character is the same." Then stating that, on account of "the imposing nature in which the General Government had been challenged," some reasoning concerning the matter would be entered into, the indication is distinctly given that the inaugural drew this. After reciting the causes of discontent, as occasioned by the tariff and the chances of alleviation, the Proclamation says: "It is true that the Governor of the State speaks of the submission of their grievances to a convention of all the States, which he says they sincerely and anxiously seek and desire, yet the obvious and constitutional mode of obtaining the sense of the other States on the construction of the Federal Compact and amending it, if necessary, has never been attempted by them who have urged the State on to this destructive measure. The first magistrate must have known that neither Congress nor any functionary of the government has authority to call a convention of the States, unless it be demanded

by two-thirds. If they honestly desire a convention, why have they not made application in the way the Constitution points out?" Evidence, also, is not lacking in the Proclamation that Hayne was not the only person conscious of those "embarrassments which exist at home." An overwhelming majority of delegates to the convention had launched nullification; but it was not a large majority of the citizens of the State, and the very considerable minority, assembling in convention, even then, were framing their protest. But the President was not content to depend upon argument alone, and in a sincerely eloquent appeal he called up a recollection of the past in the concluding words of his paper: "Fellow-citizens of my native State: let me not only admonish you as the First Magistrate of our common country not to incur the penalty of its laws, but use the influence that a father would over his children, whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves or wish to deceive you. . . . There is yet time to show that the descendants of the Pinckneys, the Sumters, the Rutledges and of the thousand other names which adorn the pages of your revolutionary history, will not abandon the Union, to support which so many of them fought, bled and died. I adjure you as you honor their memory, as you love the cause of freedom, to which they dedicated their lives; as you prize the peace of your country, the lives of its best citizens and your own fair fame, to retrace your steps." [1] To say that the Proclamation produced consternation in Columbia, would be an exaggeration; for not the least trace of apprehension was disclosed in the behavior of the head of the State, and it is not to be doubted that there were others absolutely undaunted; but that it produced distinct perturbation, it seems difficult to deny in the light of the description left by him, who next

[1] *City Gazette*, Dec. 17, 1832.

to Calhoun and Hayne was probably the most prominent nullifier at that time. Of the appearance of the Proclamation, W. C. Preston says: "That document which spread terror with its progress through the Union arrived in the morning in Columbia where the Legislature was then in session, and was at ten o'clock laid before the committee of Federal Relations. While that committee had it under consideration, the chairman stepped into the Executive Chamber and inquired of the Governor whether he would undertake a prompt and official reply to the Proclamation. The Governor said, 'I will undertake it if the Legislature so desire.' At the meeting of the House, the committee reported the Proclamation, with a set of resolutions, amongst which was one requesting the Governor to issue his counter proclamation." [1] Mr. Preston goes on to state that "two days after in as little time as was necessary for the mere penmanship, was issued a document whose elegance of composition, elaborate and conclusive argument, just and clear constitutional exposition, confuted all the show of argument in the President's Proclamation, tearing away all the subtle disguises of its labored sophistry, and rousing, by its tone of proud defiance, devoted patriotism and spirited rebuke, all the highest feelings of the country." While it may be impossible for many to share this opinion with Mr. Preston, they may, on the other hand, readily agree with him that "no performance could have been more perfect for the occasion." All that it was possible to do, Hayne did; and that he produced a reply of distinct power, we need not look to friends for the evidence of, having the testimony of a most unfriendly critic. John Quincy Adams had characterized the President's Proclamation as "a blistering plaster." [2] That, for Adams, was high praise. In his diary for the date December 26, 1832, appears this entry: "I received from A. Fitch, a copy of Governor

[1] O'Neall, "Bench & Bar," Vol. 2, p. 20.

[2] "Memoirs of John Quincy Adams," Vol. 8, p. 511.

Robert Y. Hayne of South Carolina counter proclamation to that of the President of the United States. It is dated the 20th, and is full of very bitter words." [1]

But it was not the President's Proclamation alone that the nullifiers had to meet. The Remonstrance and Protest of the Union and State Rights party in South Carolina was issued just at this juncture, and framed as it was by James L. Petigru and C. G. Memminger, in consultation with Judge D. E. Huger, it was a protest not to be lightly disregarded, and some account of it is necessary, for it well represented one of what the Governor had alluded to as "the embarrassments that exist at home."

The Union convention met in Columbia during the legislative session. Thomas Taylor (the father or son of the ex-Senator and ex-Governor) was the President, and Henry Middleton, David Johnson, Richard I. Manning and Starling Tucker, Vice-Presidents.[2] The convention was representative of a strong minority, and, without considering anything beyond the first four allegations contained in the Remonstrance, these will be found to constitute a comprehensive indictment of the nullification convention: "First: Because the people of South Carolina elected delegates to the said convention, under the solemn assurance that these delegates would do no more than devise a peaceable and constitutional remedy for the evils of the protective tariff without endangering the union of the States. Instead of which the convention has passed an ordinance in direct violation of all pledges. Second: Because the said ordinance has insidiously assailed one of the inalienable rights of man by endeavoring to enslave all freedom of conscience by that tyrannical engine of power, a test oath. Third: Because it has disfranchised nearly one-half of the freemen of South Carolina, for an honest difference of opinion, by declaring that those whose

[1] "Memoirs of John Quincy Adams," Vol. 8, p. 512.
[2] *City Gazette*, Dec. 21, 1832.

conscience will not permit them to take the oath shall be deprived of every office, civil or military. Fourth: Because it has deprived the citizens of the right of trial by jury." [1]

Whether this indictment could be sustained in whole or in part, or whether the acts complained of were the natural means by which the government sought to sustain the power confided to it by majority of the voters, this publicly voicing of them, as acts of oppression, by an energetic, determined and intelligent minority, representing no small proportion of the wealth, numbers and refinement of the State's population and a goodly number of her hardiest sons, constituted no light embarrassment. But Hayne had not been blind to the difficulties of his position, and now, as they pressed on him, met them with dauntless resolution. It was no time for temporizing, no time for propitiation — he must yield or issue what was practically a defiance; but in issuing his defiance to the threat of coercion which the President's Proclamation contained, some attempt must be made to meet the powerful argument it propounded. Every flaw which could be found therein must be disclosed, and wherever a blow could be given him, in whose name it was issued, that must be delivered, if it could but serve to weaken the force of the paper. Hayne had, in addition to this, a personal grievance, which he keenly felt; but was of too chivalric a nature to make public. Not to aid his cause, dear as it was to his heart, would he use the private correspondence of the President, and this is the true explanation why that fierce, stern, hot-tempered and fearless veteran took so meekly the chidings he received, and cherished through them all an abiding affection for the younger man.

The immense power of the argument contained in the President's Proclamation is not only shown by the bare recital of the act by which South Carolina had empowered her deputies to attend

[1] *City Gazette*, Dec. 21, 1832.

the Constitutional Convention in 1787, but is glaringly apparent in the phraseology of the resolution in which the Governor was requested to reply to the President's discussion of the Constitution, by the Legislature of 1832. The following was the resolution: "Whereas the President of the United States has issued his proclamation: Resolved that his excellency the Governor be requested forthwith to issue his proclamation, warning the good people of the State against the attempts of the President of the United States to seduce them from their allegiance, exhorting them to disregard his vain menaces and to be prepared to sustain the dignity and protect the liberty of the State against the arbitrary measures proposed by the President."

Could compliment to the argument go farther? His menaces were vain and could be disregarded; but the people must be warned against the seductive power of his arguments. As an argument is addressed to the reason, and it can only seduce when its force is so irresistible as to captivate, that seems to have been what the Legislature chiefly feared and hoped the Governor might be able to counteract.

CHAPTER III

HAYNE'S DEFIANT REPLY TO THE PRESIDENT'S PROCLAMATION AND WHY IT CONTAINED SOME BITTER WORDS

THERE were some portions of the Proclamation which Hayne as a well-trained lawyer realized it was senseless to attempt to rebut, and these he simply refrained from alluding to at all, bending all his energies to the strong assault he made upon what could be assailed. Secession being easier to defend than nullification, he began by warning his hearers or readers against "the specious but false doctrines that a State has no right to secede; in a word, that ours is a national government, in which the people of all the States are represented, and by which we are constituted one people, and that our representatives in Congress are all representatives of the United States, and not of the particular States from which they come — doctrines which uproot the very foundations of our political system, annihilate the rights of the State and utterly destroy the liberties of the citizen." One cannot help wondering how Hayne could have permitted the citizens of Boston and Virginia to put him in the attitude of representing them, by presenting petitions and advocating same on the floor of the Senate, if this was so dangerous to the liberties of the citizens. But Hayne was not just at this time occupied with anything else than an advocacy of nullification, and for such he was arguing. Condensing the opposing argument, he declared that it was an "accurate delineation, drawn with a bold hand, of a great consolidated empire 'one and indivisible,' " which was just about what A. P. Butler, in 1825, had asserted it was, for

some purposes, when he and others were contending against ex-Senator Smith and his followers in defence of what were supposed to be the views of Calhoun and Hayne at that time. Having reached a position upon which he could base an argument, Hayne proceeded to build as follows: "It is the natural and necessary consequence of the principles thus authoritatively announced by the President, as constituting the very basis of our political system, that the Federal Government is unlimited and supreme, being the exclusive judge of the extent of its own powers, the laws of Congress, sanctioned by the executive and the judiciary, whether passed in direct violation of the Constitution and rights of the States or not, are the supreme law of the land." And here taking advantage of a slip in the Proclamation, he pressed it into service with effect, declaring: "Hence it is that the President obviously considers the words 'made in pursuance of the Constitution' mere surplusage, and when he professes to recite the provisions of the Constitution on the subject, he states that 'our social compact, in express terms, declares that the laws of the United States, its Constitution and the treaties made under it, are the supreme law of the land,' and speaks throughout of the explicit supremacy given to the laws of the Union over those of the States, as if a law of Congress was, of itself supreme; while it was necessary to the validity of a treaty that it should be made in pursuance of the Constitution." From Livingston's slight slip, and the fact that it was Jackson and not Livingston who issued the Proclamation, Hayne was given an opening, and if Livingston's apparently careless statement was really an attempt to save Jackson from the effect of his former attitude with regard to a treaty, which a State had nullified with his approval, it is only an illustration of the danger of any attempt to mislead a watchful and able opponent; for on this misstatement Hayne now fell with redoubled force, declaring: "Such, however, is not the provision of the Constitution. That instrument expressly provides that the

Constitution and laws of the United States, which shall be made in pursuance thereof, shall be the supreme law of the land, anything in the Constitution or laws of any State to the contrary notwithstanding. Hence it will be seen that a law of Congress as such can have no validity, unless made in pursuance of the Constitution. An unconstitutional act is therefore null and void, and the only point which can arise in this case is whether to the Federal Government, or any part thereof, has been reserved the right to decide authoritatively for the States the question of constitutionality. If this is so, to which of the departments, it may be asked, is the right of final judgment given? If it be to Congress, then is Congress not only elevated above the other departments of the Federal Government, but is put above the Constitution itself. This, however, the President has publicly and solemnly denied, claiming and exercising, as is known to all the world, the right to refuse to execute acts of Congress and solemn treaties, even after they had received the sanction of every department of the Federal Government."

If this were a resort to the *Tu quoque*, it surely was pressed well home. The President's previous approval of nullification did not make nullification right; but it hardly lay in his mouth to say it was treason. Continuing his inquiry, Hayne suggested that it would scarcely be pretended that the executive possessed the right of deciding finally and exclusively as to the validity of acts of Congress; while "that it belongs to the judiciary, except so far as may be necessary to the decisions of questions which may incidentally come before them, in cases of law and equity, has been denied by none more strongly than the President himself, who, on a memorable occasion, refused to acknowledge the binding authority of the Federal court, and claimed for himself, and had exercised, the right of enforcing the laws not according to their judgment, but his own understanding. And yet when it serves the purpose of bringing odium upon South Carolina, 'his native state,' the Presi-

dent has no hesitation in regarding the attempt of a State to release herself from the control of the Federal judiciary in a matter affecting her sovereign rights, as a violation of the Constitution."

When Hayne left this, he passed from his strongest ground, and although his next point was made with some skill, yet it cannot stand the test of examination and contains an unnecessary reference to one who was not a party to the controversy. Blithely, he declares: "It surely cannot admit of a doubt that by the Declaration of Independence the several colonies became free, sovereign and independent States, and our political history will abundantly show that at every subsequent change in their condition, up to the formation of our present Constitution, the States preserved their sovereignty. The discovery of this new feature in our system, that the States exist only as members of the Union, that before the Declaration of Independence we were known only as United Colonies, and that even under the articles of Confederation the States were considered as forming collectively one Nation, without any right of refusing to submit to any decision of Congress, was reserved to the President and his immediate predecessor. To the latter belongs the invention, and upon the former will unfortunately fall the evils of reducing it to practice." Continuing, Hayne claimed that instead of a nation what was constituted was a Federal government, in which he was correct; but when he added that "the States are as sovereign now as they were prior to the entry into the compact—that the Federal Government is a confederation in the nature of a league or alliance, by which so many sovereign States agreed to exercise their sovereign powers conjointly with a common agency or functionary," he came unavoidably into collision with the true basis of the President's Proclamation and failed utterly to overthrow it, because it could not be overturned, and nothing establishes this more irresistibly than the act by which South Carolina commissioned her deputies to attend the Consti-

tutional Convention in 1787.[1] When, therefore, Hayne further added, "South Carolina as a sovereign State has an inherent right to do all the acts which by the laws of Nations any prince or potentate may of right do," he furnished his adversaries with the occasion for trenchant criticism. From the Virginia and Kentucky resolutions he did draw support; but when he assayed to meet the practical objection to nullification, he was helplessly pathetic: "The only plausible objection to Nullification is that it may be abused. But this danger is believed to be altogether imaginary." And yet New England, Georgia, Pennsylvania and the President might be said, and almost by his own argument, to have established the contrary. The one argument for nullification was the incontestable fact that it had been repeatedly used, although, on this occasion, attention was riveted upon the proceedings as it had never been before, as Livingston well put it, "on account of the imposing nature in which the General Government had been challenged." But apart from all merit of the argument, the fact that an argument had been entered into was a point gained, and for this the inaugural must be credited. Not only was that the case, but the change of tone from inaugural to counter proclamation was an advance; for in the latter there was not a breath of hesitation or depression — from first to last it rang defiant, and with it, under orders from the Governor, the Adjutant-General of the State called for troops.

In explanation of the somewhat personal tone of Hayne's reply to the Proclamation, and the "bitter words" which Adams noted in it, the inquiry of the correspondent of the *New York Courier* and *Enquirer* is interesting, coming to light, as it did, a little later: "Did General Jackson or did he not, in 1830, address a note to Colonel Hayne approving of his celebrated speech, now so much

[1] An Act for Appointing Deputies from the State of South Carolina to a Convention of the United States to be held in the Month of May, A.D. 1787. Statutes at Large, So. Ca., Vol. 5, p. 4.

condemned by those who laud the Proclamation? I believe he did." Continuing, the correspondent avers: "When I penned that interrogatory, I not only knew that General Jackson had written such a letter, but I knew its contents." [1] This inquiry provoked comment from the *Augusta Chronicle*, the editor of which asserted: "He, General Jackson, did write such a letter, the contents of which have long been known to us and are substantially as follows: He told Colonel, or General, Hayne that his speech (on Foot's Resolution, explaining and advocating the doctrine of nullification) was the best or one of the best he had ever read, and that he would have it splendidly bound and placed by the side of Mr. Jefferson's works in the best place in his library, and that it was peculiarly worthy of so distinguished a station." [2] If this statement be true, and it is affirmed by two unimpeached witnesses, who state they saw the letter,[3] Hayne certainly had some grounds for his bitter feelings against the President; yet not one word concerning it seems to have fallen from his lips.

[1] *Charleston Mercury*, Feb. 16, 1833, quoting *New York Courier* and *Enquirer*, Feb. 1, 1833.

[2] *Charleston Mercury*, Feb. 19, 1833.

[3] Harris's "Sectional Struggle," p. 331.

CHAPTER IV

THE ATTITUDE OF THE SOUTH CAROLINA LEGISLATURE WITH REGARD TO THE PROCLAMATION. THE INTERPOSITION OF VIRGINIA. CALHOUN'S CONFIDENCE

THE Governor, in accordance with the request of the Legislature, had issued his counter proclamation, and Preston, the chairman of the committee on Federal Relations, seized on the strongest point therein and presented it to the Legislature for promulgation as that body's sense of the situation. In the phraseology in which it was couched, however, it constituted more of an appeal than a defiance, for the resolution was: "That the Proclamation of the President is most extraordinary, in that he had silently, and it is supposed with entire approbation, noticed our sister State, Georgia, avowedly act upon and carry into effect, even to the taking of life, principles identical with those denounced by him in South Carolina." This was an effective revelation of the inconsistency of the President, to which Hayne had more indirectly alluded; but there was almost a plaintive note detected in it. Indeed, without the impressive attitude of the Governor, the State administration would have lacked balance and dignity. In his defiant reply, Hayne had declared with perfect truth that "the system of tyrants was the same in all ages," leaving him, whom the cap fit, to wear it; but Holmes in the Legislature, attempting to improve this, had, with turgid eloquence, asserted, that "if he was about to die, he would not hesitate to declare that the President was the foulest tyrant who had ever disgraced the pages of history." Again in the recep-

tion of the report of the special committee, upon the memorial of Thomas S. Grimke, there was imparted to the proceedings almost an element of humor. Mr. Grimke was a very combative, argumentative Unionist, who had shed a considerable amount of ink over the nullification episode; but was esteemed by his opponents and intimates as a very worthy gentleman, whose request to be excused from military duty the special committee were quite willing to grant, and so reported. But Mr. Kirkland objected, not unnaturally, on account of the apparent inconsistency of putting the State upon her sovereignty, and then excusing people from obeying her call. He did not think the Legislature had anything to do with a man's conscience, when the State was in danger. Mr. Holmes advised agreement with the report, to avoid debate. He assured the Legislature that Mr. Grimke was thoroughly respectable and sincere, and declared that no one who knew him could fail to respect his scruples. But Mr. Bryan declared that he had read Mr. Grimke's latest pamphlet, and that it was most inflammatory. "The gentleman says he does not wish to fight," he complained, "while doing everything to kindle a war." Mr. Frost then explained that the committee had considered that in excusing a single citizen, there was little danger of others following his example. But Mr. Bryan could not be driven from his view by any argument, and insisted on a reading; whereupon, in the words of the reporter for the *Mercury*, "the terms of the pamphlet carried everything before it, and the report was laid on the table by a general vote." In comment, the same paper jocularly declared, "Mr. Grimke is some sort of Matthew Carey of the South, and the House was quelled at once by the threat of having one of his lucubrations poured upon them." [1]

The great State of Virginia had meanwhile taken up the questions involved in the acts of South Carolina and the Federal government,

[1] *Charleston Mercury*, Dec. 24, 1832.

and a special committee had reported to the Legislature their views thereon, with regard to which we may notice that they found the "tariff laws, so far as passed, avowedly and palpably for protection, unconstitutional; that they would oppose the tariff by all constitutional means and endeavor to procure a reduction and that they would coöperate with South Carolina in effecting this result." But while sustaining the nullifying State thus far, they stated that they "disapprove and regret the means which South Carolina has adopted to rid herself of her burden, and the early period prescribed for the enforcement of her ordinance." Yet any disappointment which this may have occasioned in South Carolina should have been completely dispelled by the recording of their objection, "in decided terms to the principles assumed in the President's Proclamation," their deprecation of "the employment of force" and their recommendation of "a general convention, if the tariff be not adjusted in the present session."

As in the minds of almost all its advocates at this time nullification was but a means to an end, this action of Virginia was all that could be expected, and a private letter from Governor Hayne at this date certainly discloses this to be his view. The letter is from Charleston, December 29, 1832, to Mr. Silas E. Burrus of New York, who indorsed on it, after Hayne's death, that the latter was one of his best friends. The letter recites: "I have received your letter, covering a Bill of Lading for fruit, for which accept my thanks. The vessel has not yet arrived, but is expected daily. For your kind wishes I am extremely thankful. Be assured we desire neither dissensions nor civil war. We have been compelled to nullify, after 10 years of patient endurance & remonstrance, as the only means left to cause our complaints to be attended to. Let the tariff be modified at a convention of the States called, & we shall be content. If this be refused, we shall proceed on our course, be the consequences what they may. Our people, at least

the great majority, will do their duty. The enclosed speech is a good index of the public mind. Let our Northern friends ask themselves whether people, who think and feel thus, are to be driven from the assertion of their rights by threats or even by violence. We shall commit no wrong and will repell aggression, come from what quarter it may. Still we hope for peace & will preserve the Constitution and the Union if we can. I will not trouble you, however, further with politics. . . ."

During the period which had intervened between the launching of the nullification ordinance and the day prior to the date of this letter, nothing seems to have been heard from Calhoun. On December 28, 1832, however, it was reported that on the day after Christmas he had left South Carolina for Washington,[1] where Congress had met and adjourned for Christmas, a bill to modify the tariff having been introduced, and John Quincy Adams's call in the House for the papers in reference to the Proclamation, negatived by a vote of 106 to 65.[2] Calhoun had stopped on his way at Richmond, and in the Virginia House of Delegates had heard the debate on the report of the committee on Federal Relations.[3] From Washington, immediately upon his arrival, under date of January 10, 1833, he wrote his kinsman, James Edward Calhoun: "My dear James, I find things better here than I anticipated. Our cause is doing well. Let our people go on; be firm and prudent; give no pretext for force, and I feel confident of a peaceable and glorious triumph for our cause and the State. The prospect is good for a satisfactory adjustment. It begins to be felt that we must succeed, and in proportion as that is felt, the disposition to adjust the controversy increases. The scheme of coercion is abandoned for the present, at least." [4]

After having followed the development of the scheme of nulli-

[1] *Charleston Mercury*, Jan. 1, 1833. [2] *Ibid.*, Jan. 8, 1833.
[3] *Ibid.*, Jan. 4, 1833. [4] "Correspondence of Calhoun," p. 323.

fication, as it is unfolded in the expressions of the great actors, concerned at the various stages, in this short epistle, we read the quietly expressed opinion of the one man in the United States who knew exactly what he intended, and very nearly exactly what would be the result. His letter of resignation from the Vice-Presidency having been communicated to the Senate, he took his seat and called for the Message of the President and the papers in the case. In the State of South Carolina, Governor Hayne again met the situation in a manner exactly in accord with what was deemed most appropriate by the masses, and which at the same time commended itself to his sincere convictions, and while unremitting in his preparations for defence of the State, if attacked, by a proclamation set apart a day for fasting and prayer. Apart from the action of Virginia but little public indorsement was accorded the State of South Carolina, and so striking was this the case that in the prevailing dearth of State resolutions, mention appears in the press of the action of one county in Alabama. At the county seat of Lowndes County, Alabama, Hayneville,[1] resolutions indorsing the action of South Carolina were adopted and transmitted to the State. The general statement was made later that private offers of assistance poured in; but the evidence of such, not by any means as impressive, was not made public apparently. Virginia, meantime, had been moving most effectively. On the 26th of January, 1833, Governor Floyd of Virginia wrote to Governor Hayne that the Honorable Benjamin Watkins Leigh had been appointed as a commissioner to confer with the representatives of South Carolina, and upon the 4th of February this gentleman reached South Carolina, and at once interviewing the Governor, requested him to communicate to the convention the resolutions of the Legislature of Virginia, and asked for a suspension of the ordinance of nullification until the close of the first session of the next Con-

[1] *Charleston Mercury*, Jan. 19, 1833.

gress.[1] Hayne, in reply, assured him that he had already conferred with the president of the convention, and further, that "as soon as it came to be understood that the Legislature of Virginia had taken up the subject in a spirit of friendly interposition, and that a bill for the modification of the tariff was actually before Congress, it was determined, by the common consent of our fellow-citizens, that no case should be made until after the adjournment of the present Congress." And by the 13th of February, the president of the convention ordered it to convene on March 11. It will be seen by this with what loyalty and intrepidity Hayne and Hamilton sustained Calhoun. Weaker or more selfish men might have capitulated to the Virginia commissioner, with the result of a settlement without Calhoun's intervention; for both the attitude of Virginia and the introduction of a bill to reform the tariff had been brought about some little while before Calhoun or Clay took an active hand in forcing a settlement along lines agreed to between them. Benton, who was not averse to playing the part of pacificator himself, was deeply chagrined to find that Clay and Calhoun were too strong for any combination he could gather together, and took his revenge on Calhoun, who failed to accept his assistance by narrating the history, as he obtained it from Clay, after the latter had quarrelled with Calhoun.

[1] Pamphlets, "Nullification in South Carolina." So. Ca. Hist. Society, Vol. 2, p. 91.

CHAPTER V

THE DEBATE ON CLAY'S COMPROMISE BILL ON THE TARIFF AND WILKINS'S REVENUE COLLECTION BILL. SOUTH CAROLINA ACCEPTS THE FIRST AND NULLIFIES THE SECOND

BENTON'S account of the secret history of the Compromise of 1833 is derived from Clay's remembrance of the incidents and his narration of them at a later period, from which it would appear that Calhoun played a very insignificant part; while by Clay and his friend Clayton, South Carolina had been magnanimously rescued from her perilous position, as Jackson was about to hang Calhoun, when they intervened. This preposterous story, which is completely disproved by the narration of the events as they happened, bears all the marks of the egregious vanity of the great politician who fathered it. The truth is, that Calhoun, all through his life, despite his true greatness, was something of a doctrinaire, and attached too great importance to the efficacy of resolutions; and now into the abstract propositions concerning government he plunged, maintaining the doctrine of State Rights in opposition to Forsyth of Georgia, who gave way to Grundy of Tennessee, and he in his turn to Webster. Clay, meanwhile, had given notice that on the 12th of February he would bring in a bill to modify and adjust the tariff, stating that his design was to harmonize the conflicting interests of the country and restore peace,[1] etc. It is quite possible, and extremely probable, that negotiations passed between him and Calhoun, and he was assured his offer would be

[1] *Charleston Mercury*, Feb. 18, 1833.

accepted; but when it is borne in mind that a bill had already been introduced in the House to restore the duties to the scale of 1816, there were other reasons than magnanimous ones to move him. A tariff for revenue, Hayne's view, with protection only for articles necessary for national defence, had been the recommendation of the victorious Presidential candidate in his Message to Congress, and something had to be done by Clay at once, or his recent overwhelming defeat would be carried on to an effacement. The leaders of the State, whom he had so solemnly warned of the ruinous consequences of their course, had unhesitatingly pushed on in it. The man whose eloquent appeal for justice he had denied, and whose State he had threatened, now as Governor defied the Federal administration; and yet that hand which had never hesitated to strike before, and ever with terrific force, had been stayed by some unseen power or occult influence. Within easy reach of Clay was his old companion at arms, with a practical power of attorney from the recalcitrant State. Was it not better to aid him to a victory than to permit Jackson, unaided, to gain one? To ask himself the question, was to answer it in the affirmative, and so his bill was introduced, and he made a very clever speech in support of it. Doubtless the kindly nature of the man, as well known and appreciated as his weaknesses were tolerated throughout his long political life, impressed upon his hearers the sincerity of his professed objections to bloodshed and civil war; while, under the spell of his oratory, many forgot his windy threats of the previous year. In his turn he practically apologized for nullification, speaking of it as an experiment. He went farther; he asserted that he had received assurances, that it was an experiment. He cited other cases of practical nullification by other States, the real argument in its defence. Then he took a survey of the possibilities of sudden change in the tariff, which he would deplore; and then he showed how his bill provided for a gradual change. And

having made an able political speech, he sat down with his usual confidence that the result would justify his effort. But he did not escape unscathed; for, according to the papers of the day, "Mr. Forsyth rose after Mr. Clay and opposed the proposal to introduce the bill. He reproached Mr. Clay with having originated all the discontents of the times by his advocacy of the American System, which he was now seeking credit for allaying." [1] Calhoun's statement, however, that he assented to the two principles of the bill, viz., that time should be given the manufacturers and that an *ad valorem* duty should be provided for, was received with applause by the galleries; and although both Webster and Dickerson opposed the bill, in spite of the suggestion of the latter, that it should be referred to the committee on Manufactures, it was referred to a select committee, consisting of Clay, Clayton, Calhoun, Grundy, Webster, Rives and Dallas.

While Clay's bill for the reduction of duties was thus put on its way, the revenue collection bill, which had been reported by Wilkins of Pennsylvania, came up for debate. Calhoun's speech on that occasion is described by Benton as a most remarkable one, and of a lengthy extract which he quotes, in which Calhoun gave his "opinion of the defects of our duplicate form of government (State and Federal), and of the remedy for those defects," Benton says, "Every word bears the impress of intense thought." [2] There were replies to him; but of all of these none struck the sense of the mass of the people as forcibly as Forsyth's: "Much ingenuity has been called forth in support of nullification; but mystify it as they please, it could not stand the test of argument. The doctrine was preposterous; it was a mere web of sophism and casuistry. And the arguments in its favor, if analyzed and put through the alembic, would result in the double distilled essence of nonsense.

[1] *Charleston Mercury*, Feb. 20, 1833.
[2] Benton, "Thirty Years' View," Vol. 1, p. 336.

But having thus denounced nullification, he would admit that the position which South Carolina had taken had served one good purpose, that of opening the eyes of the country to the injustice done to the South by an odious and oppressive tariff. As regarded the tariff, the whole South were with South Carolina in the general principle of resistance to it; but they differed with her in the mode which she had thought fit to adopt. But if the tariff was odious and must be finally put an end to, neither could the course of South Carolina be defended with safety to the Union. He looked forward in anticipation to the period as nigh at hand when the protective system must expire, and, in like manner, when nullification would sink into the grave. He hoped to see them buried in the same tomb, and willingly then would he pronounce their funeral oration and inscribe on their monument, *requiescat in pace.*" [1]

Thirty-two members of the Senate voted for the revenue collection or "force" bill. Besides his colleague and himself, Calhoun drew together in opposition to it the two senators from Alabama, and one each from Kentucky, North Carolina, Virginia and Georgia. The last, Troup, came most unwillingly. This being disposed of, Clay now, against the protest of Calhoun, amended his tariff bill by a provision that in the valuation of imported articles, "the valuation should be at the port in which the goods are first imported." Calhoun argued that this would be a great injustice to the South, as the price of goods being cheaper in the Northern than in the Southern cities, a home valuation would give the former a preference; and it was indeed a vital principle, as the next four years demonstrated. Dallas of Pennsylvania, Silsbee and Webster of Massachusetts, Hill of New Hampshire, Kane and Benton of Missouri, all supported him; but he finally abandoned his objection for fear that his success might wreck his compromise with Clay. Then came constitutional objections, and Clay,

[1] "Abridgment of the Debates of Congress," Vol. 12, pp. 111–119.

who had declared that "he flattered himself that the passage of this bill would again bring the citizens of the various sections of the country together like a band of brothers," tauntingly inquired of Webster, "Would the Senator from Massachusetts send his bill forth alone without this measure of conciliation?" To which Webster had replied, that "it (the force bill) was no more his bill than it was that gentleman's. The Senator from Kentucky had expressed himself to be as much in favor of that bill as he had himself."

The passage of the revenue collection bill was later regarded by Calhoun as an indication that "the spirit of liberty" was "dead in the North, and he then said of it: "It is of the very genius of a consolidated government to elevate one portion of the community while it corrupts the other. That form of government is now established by law under the bloody act, and unless there should be a complete reaction, a reaction which shall repeal that atrocious act and completely reform the government, we must expect and prepare to sink under corruption and despotism. . . ."

The measure of conciliation which was to bring the country together like a band of brothers was also at the time most wittily hit off by Wilde of Georgia, in the House: —

> "Oh, bel âge quand l'homme dit à l'homme
> Soyons frères: ou je t'assomme,"

which he freely translated: —

> "Oh, blessed age when loving senators vote:
> Let us be brothers, or I'll cut your throat."[1]

And attention at the time was directed to the man in the main responsible, by the pertinent inquiry of the *Telegraph*, "Why were the overtures tendered by Mr. Tazewell and urged by General Hayne so eloquently last year rejected then and accepted now?"[2]

There was but one answer; Clay had in the meanwhile been over-

[1] *Charleston Mercury*, Apr. 17, 1833. [2] *Ibid.*, March 16, 1833.

whelmingly beaten for the Presidency, even Pennsylvania giving her vote to Jackson.

Yet in spite of this, so strong was the combination of Clay and Calhoun in Congress that no difficulty was found in substituting Clay's bill for that of Verplank, and passing it by a vote of 103 to 71 over the stern and ominous protest of John Quincy Adams. In less than a week after the adjournment of Congress and the passage of the two bills into acts, the nullification convention came together, and Governor Hayne succeeded Hamilton as president. Commissioner Leigh was received by the convention, standing and uncovered, and a committee of twenty-one members appointed to take into consideration the communication of the Honorable Benjamin W. Leigh, Commissioner from the State of Virginia. By a resolution, the convention requested of the delegation of senators and representatives an account relative to the late proceedings, and in the most formal manner a committee waited upon them to convey to them this request of the State, on her sovereignty, which was equivalent to a command. To which the delegation returned the astounding reply, as it appears in the report of this committee to the convention, viz., "that the gentlemen lately composing our delegation in Congress, now in Columbia, deem it unnecessary, as a body, to give any exposition of the acts of Congress referred to, but that the views of those who are members of the convention on the subject will be submitted to the convention." [1] This was the most extraordinary act in the nullification proceeding. There was absolutely no reason, compatible with any idea of fairness, that the responsibility of all, and especially of Calhoun, should be shunted off upon the shoulders of Senator Miller and Representative Barnwell, simply because they happened to be members of the convention, as well as representatives of the State in Congress; and the fact that they acquitted themselves extremely well, in the

[1] Nullification Pamphlets, Vol. 2, p. 110. So. Ca. Hist. Society.

execution of the task, does not excuse the others. It is impossible to avoid the impression that this extraordinary reply to the State "on her sovereignty" was given to spare the feelings of Calhoun; for while Representative Barnwell gave the convention sound and statesmanlike advice, he did not hide from the convention the fact that the State had not secured her exact demand, and was not bound to accept the solution; still, he thought the adjustment satisfactory. R. Barnwell Smith, rising more and more into prominence, did not oppose the settlement, but declared openly and unreservedly that it was no triumph. The convention, however, very wisely rescinded the "ordinance to nullify certain acts purporting to be laws laying duties on the importation of foreign commodities," on the ground that Congress by an Act recently passed had provided for such a reduction and modification of the duties as would ultimately reduce them to the revenue standard, and no more revenue should be raised than what should be necessary to economically defray the expenses of the government, and, after nullifying the Act to provide for the collection of duties on imports, dissolved March 18, 1833.[1]

Four nights later, the Governor was toasted at the celebration of St. Patrick's Day as follows: "His Excellency Governor Hayne: With firmness and prudence, seldom surpassed, he has guided his bark of state through a stormy night, and only now can feel the pleasure of success in his perilous voyage." [2] This was the opinion of his supporters; but Judge O'Neall, who was in opposition, confirms it in words as strong: "He entered upon the duties of his office in a most critical moment of time. One false step would have involved the State in the horrors of a domestic civil war; for a large portion of her citizens were in open and avowed hostility to her measures." [3]

[1] *Ibid.* [2] *Charleston Mercury*, March 22, 1833.
[3] O'Neall, "Bench & Bar," Vol. 2, p. 15.

Hayne himself narrated to Bishop Elliott one instance where he did not fail to take the false step from any lack of urging. That was on the occasion of a rumor that the Unionists in Charleston proposed to board in the night a vessel bringing arms for the State, when many of his friends besought the Governor to order out a volunteer company, to which appeal, with that strong common sense and sound judgment which fitted him so eminently for leadership, Hayne positively refused to accede, declaring that it would be the very step to precipitate bloodshed. "In the present state of excitement," he asserted, "nothing could prevent a bloody collision between armed parties meeting at night in the streets. No, gentlemen, I am determined that if in this controversy blood must be shed, the first drop must be shed by our opponents." [1]

To Hayne, therefore, the settlement was most satisfactory, for he certainly had performed his task to the satisfaction of himself, his supporters and his opponents; but to Calhoun, while the world esteemed it a great victory achieved by him, there were ingredients most distasteful. Brooding over his theory of government, it had become to him something more than that which it undoubtedly was when first launched by him. As late as June 16, 1831, he was prepared to accept calmly, and without complaint, the determination of his friends that they could not "prudently maintain the position he was then about to assume"; but in his letter to Van Deventer of March 24, 1833, his confidence in "a peaceable and glorious triumph for our cause and the State" has been rudely shaken, and he writes from Fort Hill at the conclusion of it all: "Your letters, as well as all that I see and hear, satisfies me that the spirit of liberty is dead in the North; and but confirms the truth of the principles for which I have contended under so many difficulties. It is of the very genius of a consolidated

[1] O'Neall, "Bench & Bar," Vol. 2, p. 31.

Government to elevate one portion of a community, while it corrupts the other. That form of Government is now established by law under the bloody act, and unless there should be a complete reaction, a reaction which shall repeal that atrocious act and completely reform the Government, we must expect and prepare to sink under corruption and despotism. . . . The oppressed States must act on the principle systematically, that no unconstitutional act shall be enforced within their respective limits. There is no other remedy. We have commenced the system, and as it regards the tariff the most difficult of all acts to resist, with encouraging success. I have no doubt the system has got its death wound. Nullification has dealt the fatal blow. We have applied the same remedy to the bloody act. It will never be enforced in this State. Other States may live under its reign, but Carolina is resolved to live only under that of the Constitution. There shall be at least one free State." [1]

[1] "Calhoun's Correspondence," pp. 323–324.

CHAPTER VI

CHARLESTON, AS SHE APPEARED IN THE LIGHT OF THE NULLIFICATION BALL AND THE HAMBURG RAILROAD IN 1833. POLITICAL COMMENT NORTH

It may be well doubted whether anything was gained by the passage of the Force bill, for it excited irritation without inculcating respect. That it was an empty threat was evinced by the failure of the general government to notice South Carolina's prompt nullification of it. The practical victory in the contest lay with South Carolina, and all that the Force bill effected was to teach the South that secession was wiser than nullification. The disruptive force of the incident was noticed by all observers, and has been commented upon by all, from Tocqueville to the "Cambridge History," as a menace to the Union. It was the beginning of the struggle which only ended in 1865. Before the incident, even with the rank injustice of the tariff, there was a powerful Union sentiment in the State, strong enough to make threatening head against the test oath, on principle, after the members felt themselves deserted by the general government; but when, through the tactfulness of Hayne, this was finally adjusted, there was practically but one party in the State until Calhoun's death, and in that but one man who could, with any pronounced success, oppose his views on matters affecting the State at large and the people as a whole. There were sporadic revolts; but, in the main, as went Calhoun, so went South Carolina. If nullification be considered as the first step towards secession, then he who first broke down the belief in the irrevocable perpetuity of the Union was in the greatest

degree responsible, and Josiah Quincy was that individual. His frank declaration, in Congress, that the sole bond of the Union was interest, which could be broken by secession, shocked some of his hearers, whose patriotism was less utilitarian; but it evidently was the basis of the American system with which Clay solidified the North and West in behalf of the Union; while the South was estranged by the exploitation of her resources for the whole, making her, as Hayne put it, a kind of India. Clay was more responsible for nullification than any other individual except Quincy; and if Calhoun came next, Jackson and Senator Smith shared with him the responsibility to a great degree. In the cases of the four last named, personal influences undoubtedly affected the course of each at certain critical periods. With the Presidency before him, Clay was deaf in 1832 to every appeal of justice or of reason. Before his animosity had been kindled against Calhoun, Jackson was not averse to the threat of nullification, or even its exercise, to secure justice, as he saw it. To Senator Smith, policies which might elevate to power Crawford, appeared in a different light when utilized by Calhoun. And nullification was not deemed by Calhoun of such vital importance in 1831, that it might not, with advantage, be postponed "for Mr. Crawford's movement on me." Nullification, however, had been put forth more imposingly in South Carolina than in any other State, and, apart from the leaders, it is of interest to consider the effect on the people of the State. This in a measure it is possible to clearly note, from the account of a not unfriendly Yankee, whose description was apparently correct enough for the *Mercury* to publish it without comment. Under date of March 23, 1833, this gentleman from Maine sends his home paper, the *Portland Advertiser*, an account of the Ball with which the settlement was celebrated.

"The Nullifiers are doing things in grand style. This Charleston is no laggard in working off a fête. The Nullifiers are men of

taste, men of little guns and big guns, swords and cutlasses, great spunk and fine speeches, pretty ladies and pretty dances. Who would not be a Nullifier and live in such a land, feed on such chivalry and enjoy such a ball? . . . As a Yankee under good auspices I went last evening into the Citadel, the heart of the Nullifiers' camp, and among big-mouthed cannon, muskets, fusees, pistols, long swords and short swords, king's arms, rifles and fowling pieces, spears, pikes and bayonets bristling for horrid war, I found — think what? Not less than 1200 ladies. What a place to put ladies in, good-hearted creatures, if they are like our Northern belles and fair ones. . . . Well, I went to the ball at 8 o'clock or a little before. It was in the Citadel, which is the armory of the State, where are deposited Carolina's munitions of war, with which she was going to whip her twenty-three sovereign sisters, with men enough to eat her up, slaves and all, if they gave the Kentuckians but the quantum of an eye and ear apiece. The Citadel is an oblong building, perhaps two hundred feet in length, and with an open area in the centre, perhaps sixty feet in width. This area was floored over for the occasion, a canopy overhanging, and thus a grand Magnificent Hall was prepared. The armories answered for drawing rooms. . . . We hung our hats on bayonets. Their muzzles answered for candelabras. . . . Around the outside door was a vast multitude of white people, black people and yellow people, with not a few nondescripts. Pillars and arches of lights of almost all colors formed by variegated glasses, in which were the lamps, immense in numbers, were thrown around the door. . . . 'Nullification is the rightful remedy,' quoted from Jefferson in large capitals, glared the spectator in the face. Rockets and bombs were let off in all directions. . . . From half-past seven until nine, carriages in line were discharging men in epaulettes, plumes, palmetto buttons, green coats, gray coats, red coats and black coats, white breeches, yellow breeches and black breeches. All the sol-

diery, the volunteers of the Empire, came in the uniform of their corps. And carriages were discharging ladies also, two at least to each gentleman. Ladies in white, in black, in scarlet, in blue; ladies in hats and feathers of all fashions. . . . No two ladies looked alike. . . . Now let us go into the Hall. A more magnificent picture was to be seen. We ascended a flight of stone stairs, walked along an ornamented piazza or corridor interwoven with imitation flags of cambric muslin of red and white and sprigs of cedar, live oak and palmetto leaves. Ranges of card-tables were spread in the gentlemen's drawing rooms. Rivers of wine were near. Refreshments of ices, lemonade, etc. One's head and hair adjusted and hat disposed of, he was ushered along the gallery, so as to view the company below, who, now the Governor had entered in uniform and epaulettes, and General Hamilton also, in all the pomp of the camp, with their respective suites, prepared to dance. Cotillions were formed in the crowd, with exceeding difficulty; but when they were formed, the black band, who were planted somewhere on high, began to sound with horn and clarinet and drum and cymbal, and I know not what other instrument, but that they made a deafening noise. I took this opportunity to go below, to run among the groups, to see the cannons, etc. . . . Under the staging for the band were long iron pieces of ordnance with their mouths turned to the company. Back of them were five ranges of supper tables. . . . Between the columns were medallions with emblematic devices on which were compliments to distinguished Nullifiers in South Carolina. Calhoun had one and was called 'the great luminary.' McDuffie had one and was said to have the eloquence of Henry and heart of Hampden. Hayne had one, with an extract from one of his speeches. Hamilton had one, with I have forgotten what. W. R. Davis and Barnwell had only one, which was not fair, for why should they not have had one apiece? Pinckney had one. Sumter had one and was called 'an old cock, whose last

crow was for liberty.' Turnbull had one, which called him Brutus. . . . Enjoying all this, and thus in the heart of the Nullifiers' camp, I ran around some gentlemen and ladies with that perfect independence in which obscurity always clothes one. I knew but few, and could not find that few very often in the multitude. Here was a bevy of ladies discussing the merits of Yankees and Yankee women. There is a platoon sweeping over and demolishing a half-formed cotillion. Here is the Governor of the State in cap and plume and epaulettes, with his amiable lady, wearing the cockade of Carolina. There ex-Governor Hamilton, Emperor of the South, far less humble than Napoleon, when only trampling on the thrones of Europe. . . . Here was a cluster of Generals, Colonels and Captains, epauletted to the ears, with swords dangling between their feet, with spurs sticking into their heels. There a body of men vaunting the prowess of Carolina. Carolina! Carolina! Who will not stand for Carolina? . . . The Haynes, the Hamiltons, the Sumters, the Pinckneys, the Calhouns, the McDuffies, the Millers, the Turnbulls of Carolina. Huzza for Carolina! . . . Talk of nullification dying out, it is nonsense, when you work upon the passions and the feelings of people with such shows. Every man and child there will live and die a Nullifier. I was half a mind to become one myself. . . . Splendid, mad people, if this meets your eye, this letter from not an ill-natured spy in your camp, pray take his advice and get sober again. Leave off drinking these intoxicating draughts of Carolina chivalry. . . . Ladies, don't hate the Yankees, the d—n Yankees, as some of your beaux term them. Upon my word, we are not all tin pedlers, not all hucksters, wooden nutmeg, wooden ham sellers, though we live in such a cold, rocky land, we must depend in part on our wits. Some of us are honest and won't cheat you. . . . Come down among us, and you will find we are not icicles or fog-banks. . . . We like you better than you like us, and speak better

of you, though you have two faults to our one. . . . We go for the Union, because duty, patriotism and common glory look that way, not because we are more interested in it than you. . . . Hoist up the star-spangled banner in your citadel. . . . Let us be all Americans, all Carolinians, all Yankees." [1]

While this is not an ill-natured picture of existing conditions and temperament; while South Carolina had unquestionably devoted too much of her capital to the planting of cotton and purchase of slaves and was not in as healthy a condition as she had been ten or fifteen years prior, the State of which it could be said, as the *Mercury* truthfully declared, "the locomotive travels over a greater extent of line of railroad in consecutive miles than is or now can be done in any part of the world," [2] could not be disposed of with a jest. The report of her railroad commissioner showed books opened for that great enterprise March 17, 1828. By May of same year experimental line of five miles started. August 19, 1830, capital increased to $518,340,[3] and company authorized to build from Charleston to Hamburg, a distance of 136 miles. November 7, 1832, the eastern division open for travel 60 miles, and on date of report, May 1, 1833, 76 miles. It was also reported that lack of intelligent white labor was impeding the work. The nullifier, Elias Horry, who was pressing on this, for the time, mighty work, took care that his Unionist predecessor, Aiken, should not lose credit for his services. The total expenses of the work to date amounted to $831,266. For surveys $35,959.35 had been paid out and $579,838.58 expended in road construction, independent of track laying, which had cost in iron and spikes $119,912.66. For equipment, cars, axles and three locomotives, together with expense of work-shops, there had come an outlay of $52,354.91; while the contingent expenses for office and salaries reached

[1] From *Portland Advertiser*, reproduced in *Mercury*, April 27, 1833.
[2] *Charleston Mercury*, May 7, 1833. [3] *Ibid.*, May 8, 1833.

$24,216.72, and the balance incurred for real estate and negroes purchased and interest on notes. To supply this, about $221,540 had been borrowed on the stock and from the State, which with the income from operation and some slight gain in the disposition of real estate made up, with stock subscribed for, the total receipts.[1]

Van Buren's paper, the *Washington Globe*, did not hesitate to assert, however, that "the construction of the Charleston Railroad was a part of the disunion plan of nullification to make Charleston a free port, connect with the contemplated roads in Tennessee, rob the Mississippi of half the rich freight carried to market, blotting out the river, while the Old Dominion was to be thrown like a stranded whale upon the frontier." [2]

This affords us striking evidence of the breadth and liberality of the statesmanship in some quarters opposed to nullification, and to some degree responsible for it. By the press of Charleston, the comment was dismissed with the contemptuous inquiry, why, in such case, the Union men of South Carolina could have the effrontery to hold shares in the enterprise and buy them at a premium? But there was comment from other sources at the North, and some of it most enlightening as indicative of the fact that history has been twisted in the writing to suit subsequent conditions. The same paper whose correspondent wrote the amusing account of the Nullification Ball in Charleston, the *Portland (Maine) Advertiser*, comments thus on the political situation: "Democracy published Mr. Hayne's nullification speech on satin, Federalism laughed at the act and now Democracy blushes. Democracy clapped Governor Hayne, Mr. Calhoun, Governor Hamilton and Mr. McDuffie upon the shoulder, Federalism said they were all mad, and now Democracy says so too. . . . You gave us Jackson and lauded him for his Democracy. . . . Yankee tact, Yankee

[1] *Charleston Mercury*, June 21, 1833. [2] *Ibid.*, June 19, 1833.

skill, Yankee ingenuity, turned all things, even the worst, to advantage. . . . The President has come over to us." [1]

This was in great part true. Jackson and Jackson's party, North and South, were in accord with Hayne in 1830; for if he had commenced to suspect Calhoun of unfriendliness as early as the time of the Great Debate, on account of Crawford's hints, the temporizing Van Buren was at that time his main support; but when, in place of him, the President leant upon Livingston, he possessed an adviser of the caliber of Calhoun himself, and Livingston's views commenced to make themselves felt.

[1] *Ibid.*, July 24, 1833.

CHAPTER VII

HAYNE'S CHARACTER AS EVINCED BY HIS DECLARATIONS. HIS TEMPERAMENT AS CONTRASTED WITH THAT OF CALHOUN. THE CONTEMPLATED ROUTE OF THE RAILROAD TO THE WEST IN 1833

In the deplorable dearth of private correspondence obtainable, the character of Hayne can only be brought out as it found illustration in the incidents of his time and how he was affected by them, and how others, who shared with him the responsibilities of a portion of the time were, on their part, moved. The reasons given by the Governor, in the fall of this year, why he refused to commute a sentence, passed upon a negro prisoner, helps to give an impression of Hayne's character. "The sentence in this case," he says, "having been laid before me, by the Court, and having carefully examined the same, together with a report of the testimony given at the trial, I am constrained, by a sense of public duty, to declare that I can find no sufficient ground for Executive interposition. The prisoner has been fairly tried and found guilty of the crime of administering poison to a large family of women and children. . . . Against a crime so diabolical in its character, so easily consummated and so difficult of detection, the law has levelled its heaviest denunciation. . . . Nor does the circumstance, that the offence in this case was committed against persons of the prisoner's own color, and that, though brought to the verge of the grave, they have, by the mercy of Providence, been restored to health, affect his moral or legal guilt." Then taking up the effect of a commutation and stating that it is that and not a pardon which

is recommended, he looks into the grounds and considers the effect. Showing that while circumstantial, the evidence was most conclusive, he is of the opinion that, while banishment might free the State, it would be sending to sister States a dangerous individual, and, as the Code of South Carolina does not recognize imprisonment for life, a commutation would produce an imprisonment totally inadequate, therefore the law must take its course.[1]

In the fall of this year, Elias Horry, in his address on the completion of the railroad to Augusta, gave a most interesting statement of its history and future policy, stating that the superintendent had attended the convention at Eastville, Virginia, near the North Carolina boundary, which had been held to obtain information to strike out a new and useful route, not only for the trade of that section, but to connect the trade of the Ohio River with the great valley of the Tennessee and with the Southern States; that the convention at Asheville, North Carolina, had determined upon a survey from that point to Columbia; that the Western Railroad building from Knoxville, Tennessee, would enter South Carolina through Spartanburg district, with its point of destination, Columbia, thence to connect with the Charleston and Hamburg Railroad;[2] and that in response to applications from the inhabitants of Barnwell, Edgefield, Orangeburg, Columbia and Greenville, a reply had been made to Columbia that if the people of that town would build to connect with the Charleston and Hamburg Railroad, the latter would, in all probability, take the branch off their hands at a premium.[3] All these facts and views indicated that the line of road would be, as it most naturally might be surmised it would, to the capital, through the centre of the State, by the shortest line to the growing West. But almost contemporaneously with the account of this industrial march came the ill-starred editorial decla-

[1] *Charleston Mercury*, Sept. 12, 1833. [2] *Ibid.*, Oct. 22, 1833.
[3] *Ibid.*, Nov. 16, 1833.

ration, "The institution of slavery is not an evil, but a benefit." [1] Admitting that in the past the South had entertained a view to the contrary, the organ of nullification declared, that even in Virginia and North Carolina, whence it was well aware of such "formerly, the great mass of the South now sanction no such admission, that Southern slavery is an evil to be deprecated." The statement, therefore, that "this new doctrine was first set forth by Calhoun in the Senate in 1836," [2] is slightly misleading. It was in all probability as strongly his belief in this year, 1833, as it certainly was in 1836; but he does not seem to have been first in the expression of it. Nullification had, however, in the opinion of not a few, afforded a demonstration concerning the strength, from a military standpoint, of a slave State of considerable value. It also gave to Calhoun immense power in the State of South Carolina. So much so, that it remains a question whether the cultivated Wilde of Georgia, the friend of Carolina and the enthusiastic admirer of Lowndes, that brilliant Irishman whose style of speaking recalled to English hearers Lord Lyndhearst, might not have had Calhoun in his mind when, about this time, somewhat to the objection of the *Mercury*, he quoted: —

> "It is the abject property of most
> That being parcel of the common mass
>
> . . . . . .
>
> Conscious of impotence, they soon grow drunk
> With gazing, when they see an able man
> Step forth to notice; and besotted thus
> Build him a pedestal and say, stand there
> And be our admiration and our praise." [3]

Certain it is that the elaborate ceremonies, in honor of the dead Turnbull, were converted into a much greater glorification of

[1] *Charleston Mercury*, Nov. 13, 1833.
[2] Elson, "History of the United States," Vol. 3, p. 145.
[3] *Charleston Mercury*, Oct. 18, 1833.

Calhoun; for even on the printed programme of the order of exercises, while the names of Turnbull, to be honored, and Hamilton, who was to deliver the oration in his honor, stand out, not inappropriately in much bolder type than that which designates the Governor's position in the ceremony, yet they all remain small in comparison with the letters marking the mere presence of Calhoun. That night at the Circus, Calhoun was given a reception, and delivered his first public utterance concerning nullification and the questions connected with it since the adjournment of Congress, some nine months previous. He was no longer fresh from the struggle and smarting from the debate; he had had ample time to weigh what he should say concerning these matters, and his declarations are most important. With regard to nullification, he is reported as saying, in substance: "On the passage of the Act of 1828, the alternative was fairly presented to the Southern States of submission to the unlimited exactions of the Government, or of calling into action the higher principles of the Constitution. That thus one of the most momentous questions which could rise under the system was presented, whether the States had any remedy to protect their rights when it was acknowledged they were encroached on by the General Government? . . . In the consideration of this question, there were many important points in which the whole South, with some inconsiderable exceptions, were united; that the States had certain reserved rights; that all Acts of Congress infringing them were null and void, and that the Act in question was one of that description. . . . Yet when the State took her stand upon the right of interposition, she found herself not only abandoned by every Southern ally, but divided and distracted by a powerful party within, who opposed her much more violently than they had resisted the burden under which they were suffering." With regard to the Force Bill, he announced that "if all other effectual resist-

ance should fail, it would be their duty to take measures to concentrate the voice of the South, which should plainly announce to their Northern brethren that either the Bill or the political connection must yield." [1] How South Carolina could concentrate the voice of the South on a bill she had solemnly declared did not exist, Calhoun did not make clear, and when it is remembered that the Unionist congressman, Blair, had openly advocated secession if the tariff were not modified, the intolerance of Calhoun was most marked. He spoke not as the senator of the State; but as the chief of a triumphant faction. At the conclusion of Calhoun's speech there were calls for Hayne, and, in response, the Governor excused himself for his long absence from meetings of the party, on account of the position in which he stood as Executive of the State, a position which did not, as he thought, admit of his mingling as he had been wont to do in the public meetings of his political friends. On this occasion he declared, however, he could not deny himself the gratification of accompanying "our distinguished guest." Incidentally, the Governor mentioned the preparedness of the State in the recent controversy and the economical manner of its provision. It was in this connection that he used the expression, "myrmidons of Uncle Sam," for which the Unionist press took him to task in the following: "Our estimate of General Hayne induced us to believe he was above indulging in such undignified slang," reflecting, "on men as high minded as himself." [2] Although pleasantly put, the rebuke was just.

Only a few days after this meeting the Legislature convened, and the Governor's Message was laid before that body. It is an interesting paper, and nothing is calculated to more clearly illustrate the difference in temperament of Calhoun and Hayne than their allusions to the same subjects, about the same time, viz., the reception of nullification at home and abroad. The tone of bit-

[1] *Charleston Mercury*, Nov. 25, 1833. [2] *Charleston Courier*, Nov. 26, 1833.

terness in Calhoun's utterance, so marked as to be unjust, to "the powerful party within" and allies without, is entirely absent in the almost identical statement by Hayne, "Unhappily divided at home and cheered by no friendly voice from abroad," with which the latter described the situation. "Yet," he continues, "twenty thousand volunteers were organized in a few weeks, arsenals and military depots were established. . . . The happy effect of these defensive measures was immediately perceived, in the liberal offers of assistance, which poured in upon us from every quarter of the Union, in the altered tone of our oppressors and in the growing confidence of the friends of State Rights and free trade everywhere. The manufacturers themselves began to perceive that, strong as their system was, it could not be sustained in public opinion by violence and bloodshed." [1] In reference to the Compromise Act, the Message contains a statement of historical importance, on account of the position which Hayne had occupied the year previous, namely, the recognized leader of the opposition in the Senate. Of the act he says: "Though the measure did not yield all that the South had an unquestioned right to demand . . . an opportunity was offered for adjustment, which consistent with the principle on which we had all along acted, we were not at liberty to reject. Such a modification of the tariff in 1832 would have unquestionably prevented the adoption of our ordinance of nullification." With regard to the Force Bill, he contented himself with the declaration, "It is greatly to be lamented that the act should have been followed by the Force Bill." Then taking up a matter to which he had forcibly alluded six years prior, in his great speech in the Senate, on the Colonization Bill, he observes, "It is a popular delusion, that slave-holding States are comparatively weak, and the idea has sometimes been indulged that we owe a large debt of gratitude to our Northern brethren,

[1] *Charleston Mercury*, Nov. 29, 1833.

for the protection they have afforded us." But this he disputes by showing how recent events had indicated the State's ability to put "20,000 men in the field, without any material diminution of her agricultural production." And, "Though the enemies of our institution (deeming the occasion favorable to their scheme) were busily employed in circulating incendiary publications among us (several of which fell into my hand), yet not a whisper of discontent was heard in the land and never did our people feel themselves so entirely secure from all insurrectionary movements." Commenting on this and other aspects of the case, to wit, the proverbial jealousy of freemen in slave-holding States with regard to their own rights and their disposition to make sacrifices for such, he remarks: "I think we may very safely conclude that the existence of slavery in the South is not to be regarded as 'an evil only to be deplored'; but that it brings along with it corresponding advantages in elevating the character, contributing to the wealth, enlarging the resources and adding to the strength of the States in which it exists and, in our own country in particular, in eminently contributing to the prosperity and welfare of the Union; while at the same time we have the consolation to know that our laboring population are in a condition greatly superior to that which they have ever occupied in their own country or are perhaps destined to assume for ages to come, in any quarter of the globe."

Whether we agree with Hayne or not, considering his time, his situation and his environment, this is well said. But even to this he imparts additional interest in the declaration, "These remarks are made in no boastful or invidious spirit; but to correct the impression of dependence and to assert the existence of 'no bond' between the Southern States and their Northern brethren but the Constitution, no ties but mutual support and common interest, the glorious recollections of the past and the proud anticipations

of the future—ties the force of which they have ever been ready to acknowledge and will be the last, voluntarily, to sever."

The contrast between this and Calhoun's declaration that "either the Bill (Force Bill) or the political connection must yield," marks most acutely the difference between the tempers and methods of the two men. This first Message of Hayne was, in the main, devoted to matters political; but he finds time for other considerations, and in some of his recommendations the character of the man shines out clearly. "In examining our criminal code," he says, "it has struck me that it is susceptible of improvement. Though the rigor of the English common law has been greatly ameliorated amongst us, yet something still remains to be done to bring it into harmony with the liberal spirit of the age. Some barbarous punishments, and especially that of branding, still disgrace our statute books. Our laws for the government, treatment and punishment of slaves and other persons of color also require revision. In relation to slaves, my own experience and observation have thoroughly convinced me that some reform is imperatively called for. While rigid discipline should be enforced, the law ought, at the same time, to afford complete protection against injustice." [1] That he doubted whether they always received justice, is evidenced by the further statement, "The courts before which slaves must now be tried for crimes of every description are liable to be so arranged as to deprive them of an impartial trial." To remedy this, he recommends that the freeholders to try same be drawn, as juries are drawn, and the Attorney-General of the State charged with the conduct of all capital cases. Taking up the subject of internal improvement, in the light of the work accomplished by the railroad, he is of the opinion that private is more efficacious than public effort, and among various other suggestions, unnecessary to enumerate, occur two, one bearing

[1] *Charleston Mercury*, Nov. 29, 1833.

on the suggested test oath and the other concerning an amendment of the Constitution of the State in reference to nullification, with regard to which the organ of the Unionists observes, "On the matter of the Test Oath, the Governor is disposed to conciliate, and if this very unnecessary measure be prescribed in a manner wholly free from a spirit of proscription, there can be no great occasion for complaint." [1] Conceding praise to the spirit of humanity pervading the suggestions of the same official as to the criminal code, that paper dismisses the argument concerning nullification with the trenchant criticism that if the State possess the sovereignty under discussion, no amendment to the Constitution is necessary; if not, no amendment can give it.

[1] *Charleston Courier*, Nov. 29, 1833.

CHAPTER VIII

THE SPIRIT OF INTOLERANCE CROPPING OUT. THE PROGRESS OF THE RAILROAD. THE TEST OATH AND HAYNE'S TACTFUL INFLUENCE. NULLIFIERS AND UNIONISTS COME TOGETHER

But if in the utterances of Hayne and some others there was moderation, there were not lacking those in whom nullification had produced an intolerance that might be considered somewhat extreme. The report of the subcommittee, presided over by F. W. Pickens, with regard to slavery, indicates how swiftly an overwhelming factional triumph generates this spirit, and it was well that the direction of affairs were in hands less hasty to proscribe political opponents; for the Unionists, although they deemed themselves deserted by the general government, were in numbers, education, wealth and spirit too considerable to be harried, without some danger to the peace of the State, and this report breathed anything but peace: "We have a peculiar and local institution of our own, as a people, of great delicacy and momentous concern to the very vitals of society. . . . The law of State sovereignty is with us the law of State existence. If there be any citizen of South Carolina who, forgetting all the ties of nature and sympathy that bind a man to the home of his childhood and the graves of his fathers, should refuse or hesitate to swear allegiance to the mother that has cherished or protected him, he deserves to be an offcast and wanderer upon the earth, without a home and feeling for no country." [1] Shortly after this, Calhoun expresses himself as

[1] *Charleston Mercury*, Dec. 14, 1833.

"much gratified to hear that the session terminated as well as it did," [1] that anxiety was felt at the state of things in Columbia. What was the occasion of this allusion does not clearly appear. Senator Miller had resigned and been succeeded by W. C. Preston, according to the *Mercury*, without opposition; but in the report of the *Courier*, by a vote of 101 to 25, scattering, the latter paper declaring that the Legislature was the mere mouthpiece of the Club, to which Calhoun and a few others dictated the line of action.

The railroad was meanwhile occupying the attention of the public almost as much as political affairs. Early in February, 1834, the locomotive "Edgefield" made the run from Charleston to Hamburg, 136 miles, in 7 hours and 20 minutes.[2] Better still, the road was no longer an experiment, as the weekly receipts were in excess of the expenditures; [3] while two months later, from the shops at Charleston, was produced a locomotive very properly called "The Native." At this time the road possessed nine locomotives, one named after the Charleston designer of the first locomotive built in America, "The E. L. Miller," the man to whom most credit must be given for the lead his native State had taken in railroading in America. The two extremely efficient presidents of the company, however, were not forgotten; and "The Aiken" and "The Horry" were both in evidence. But no locomotive was such an object of interest as "The Native," the first Charleston-built engine, built by Messrs. Eason and Dotterer, on contract at their own shops, from the plans of Mr. Dotterer. Of it the chief engineer, Horatio Allen (an expert engineer from the North), declared, "In the extreme simplicity of its arrangements, the directness with which the power is applied and the working parts operated, as well as the substantial character of the workmanship, it holds out the promise of being one of the most permanent

[1] "Calhoun's Correspondence," p. 327.
[2] *Courier*, Feb. 17, 1834.
[3] *Ibid.*, March 26, 1834.

engines." [1] The report shows, at that time, fourteen passenger coaches and ninety freight cars, to be increased by July, twenty-four and one hundred and seventy respectively. And again, under the able direction of Elias Horry, a direct proposal is made to Abraham Blanding and others at Columbia, to construct a railroad from Columbia to Branchville, with regard to the operation of which the Charleston and Hamburg Railroad holds out most advantageous terms. But the State was not yet alive to the importance of this means of transportation, and it needed a more quickening appeal to arouse her to the effort. It is interesting to note in confirmation of the view of Professor Smith, of the University of North Carolina, that literary development follows industrial progress; that "Guy Rivers," the first novel of William Gilmore Simms, was just about this time most favorably received by the Northern press,[2] and 1500 of the first edition sold at the outset. In the fall of the year 1834, however, the industrial advancement of South Carolina was checked by the death of Elias Horry. In the summer of that year, matters political again were bubbling hotly. On June the 4th the Supreme Court of the State, with Judge Harper dissenting, declared the test oath unconstitutional. Partisan pressure was brought to bear upon Hayne to induce him to call an extra session of the Legislature at once; but he refused to yield to the clamor,[3] and in thus acting seems to have been in accord with Calhoun. The fall elections confirmed the grip the nullifiers had secured the two years previous, leaving them still with the two-thirds in the Legislature; but the popular vote through the State revealed only 18,535 votes cast for their candidates to 14,870 [4] for their opponents. To this Legislature, Hayne sent his last Message. In it he took a gloomy view of Federal affairs. "The Government," he declared, "is rapidly degen-

[1] *Ibid.*, May 5, 1834.
[2] *Ibid.*, July 19, 1834.
[3] *Ibid.*, July 14, 1834.
[4] *Ibid.*, Nov. 6, 1834.

erating into an irresponsible despotism. With the purse and the sword and the vast patronage of a consolidated government in his hands, the President will appoint his successor. Congress will be held in subjection by Executive patronage, which will be brought into hourly conflict with freedom of elections; and if, under such disastrous circumstances, any of the States shall be able to preserve their liberties, they may not be able to preserve the Union." Passing from this to a consideration of the decision with regard to the test oath, he alludes to it as having been "argued on both sides with an ability and learning which conferred the highest honor on all the parties concerned." He states that he had deemed it his duty to conform to the decision, and that he had been induced to refrain from calling an extra session, then loudly demanded, because of his opinion, that in the shape in which the oath would be presented in the constitutional amendment it would answer every purpose and yet be less objectionable. And with regard to this, he pressed the argument so vigorously as to excite the alarm of the Unionist organ, which warned its readers: "This document comes upon us in the form and with the language of great moderation; but we greatly fear it is wanting in candor, and that deadly mischief lurks under its honeyed words. . . . It settles that the oath will be engrafted on the Constitution. . . . Whether that body, however, will adopt the Executive exposition, and whether that exposition, paltering as it does in a double sense, will prove satisfactory to the Union party, are questions of doubtful and momentous issue." Continuing its comment in a less suspicious tone, the *Courier* observes: "We are fully disposed to give the Governor credit for moderation in another part of his Message. If we understand him aright, he implicitly recommends the Legislature to abstain from legislation on the subject of State treason, and perhaps also on the subject of the Judiciary." [1]

[1] *Courier*, Nov. 28, 1834.

In its last surmise, the Unionist organ was justified; while with regard to the suspicions first expressed, they were proven unworthy, for the spirit of conciliation which the Message breathed was imparted to the majority, and on December the 24th the entire minority signed a statement of their reasons for not further opposing the oath in the new form, inasmuch as the report introducing it "distinctly declared the allegiance declared is that allegiance which every citizen owes to the State consistently with the Constitution of the United States." [1]

The bill to define State treason, and the one to alter the Judiciary having both been dropped, the bitterness and extreme tension which had existed in the State for nearly four years, and which had reached its most acute stage when Hayne was called to the control of affairs in the State, he had thus been most instrumental in assuaging. Judge O'Neall, one of the leading Unionists in the State, declared that this settlement of the controversy was satisfactory to the entire Union party in South Carolina; [2] so that as a healer of factional strife, after twenty years' service, Hayne passed from public to private life. With all energy, eloquence and power, he had unavailingly pressed the appeal to reason; it had been unsuccessful. With moderation he had tempered, restrained and guided the successful appeal to force; but as no other man did or possibly could, he realized the responsibilities which it had involved, and the consequences and dangers which had followed close upon the heels of that success. Now, with practical mind and patriotic spirit he prepared for the last appeal which could be made for the preservation of the Union, in his opinion, without a change of views, distinctly threatened, if not in the present, most surely in the future.

In this year of 1835 were first distinctly heard the premonitory mutterings of that storm, which broke with such devas-

[1] *Ibid.*, Dec. 24, 1834.

[2] O'Neall, "Bench & Bar," Vol. 2, p. 17.

tating fury (in 1861), and, in the same year, oblivious of every other suggestion, with a devotion and patriotism never surpassed, Hayne flung himself into the effort to allay it, if possible. Owing his elevation, in some measure, to Calhoun, he had supported the plans and measures of the latter statesman with an unswerving loyalty, although it must have been apparent to him that his own judgment had, in some instances, proved the sounder of the two when it came in conflict with his leader's, warped by personal feeling. The vote upon the confirmation of Van Buren was an illustration; for on this Hayne had mistakenly given way against his wiser view, in deference to the insistence of the elder statesman; and, in place of being politically defunct, Van Buren was at this time recognized as the most formidable of all the Presidential candidates. Now that, as a private citizen, freed from the responsibility of pushing in conjunction with others particular policies to their consummation, Hayne looked at matters with greater independence, the possibility of a difference between him and his great leader was not small. Yet this did not immediately develop; for Hayne's strength was essentially in his ability to conciliate, his voice, a persuasive one.

With the exception of the destruction of St. Philip's Church by fire, entailing the loss of an interesting monument of colonial times, no event of particular interest to the community of Charleston or the State of South Carolina marked the earlier months of the year. Built in 1723, in point of architectural beauty, and from the tablets and inscriptions within of historical record, it was a loss. From the papers narrating the occurrence, it is gathered that the first church in the province was on the site where St. Michael's now stands, a frame building erected in 1681.[1]

So absolutely lacking at this time was all factional feeling that Hayne or Petigru was the suggestion for Intendant, which the whilom

[1] *Courier*, Feb. 20, 1835.

Unionist *Courier* brings forth; but by July the 30th all is tumult again; no longer Nullifiers against Unionists, but Nullifiers and Unionists against Abolitionists, and the former combination, threatening interference with the operations of Federal governmental functions, as grave as ever nullification promised.

The cause of the excitement was the discovery of a great number of incendiary documents, addressed to the colored population, sent by the Abolitionists of the North. These having been taken from the Charleston Post-office during the night-time, by some turbulent spirits who had forced an entrance and seized upon them, brought the citizens face to face with a serious situation. Something had to be done at once, and, under the guise of preventing incendiary documents from being distributed, a committee was appointed to guard same from the boat to the Post-office, the Postmaster undertaking to delay delivery, until he could hear from the Postmaster-General. In this effort to keep the turbulent and excitable elements of the city's population within bounds, Hayne, the private citizen, was at once called upon, and his leadership accepted without question. As chairman of the committee appointed at the public meeting, presided over by the Intendant, he reports the arrangements [1] which the letters of Alfred Huger, Postmaster, give the details of. These details appearing in the letter of a strong Unionists are the more interesting as they indicate how determinedly the Union feeling was being stamped and burnt out of the devoted and fearless upholders of such sentiments in South Carolina by Northern fanatics caring nothing for it in their sentimental frenzy.

"July 30, 1835.

"Hon. Amos Kendall: —

"Sir: It gives me great pain to inform you that my apprehensions yesterday for the safety of the mail have proved to be not

[1] *Ibid.*, Aug. 5, 1835.

without foundation. The excitement to which I alluded was even greater than I imagined, and had evidently taken possession of men of all parties and of every grade of society. It appeared towards evening to have subsided, though I deemed it safest to remain and keep the office open until night, and leave it only when everything was quiet and the public mind at rest (apparently) on the subject. A little after midnight I was called up by the Captain of the City Guard, with the intelligence that the Post-office had been forcibly entered, which, upon examination, I found unfortunately to be true. I missed nothing but the bag, which contained the pamphlets already referred to. This seems to have been the object of those who committed the act, which, outrageous and fanatical as it is, has not been in my opinion perpetrated by any ignorant or infuriated rabble. . . . However deeply I lament the occurrence, I do not see how I could have prevented it. It is evident that the mail would have received the same violence had the obnoxious papers been transmitted; but I informed the leading men of both political parties I should assume the responsibility of keeping back the incendiary publications. All seemed satisfied, and yet this outrage has been committed. . . . My mind is made up to do my duty to the Department, but it is not to be denied that the whole community is against me, though the respectable portion, or a part of the respectable portion, join me in reprobating the extravagance that has been committed." [1] Following this is another letter in which the Postmaster states that at "a meeting of citizens of all political parties, a committee was appointed to insure the safety of the mail," on condition that he would agree not to issue the seditious pamphlets or the newspapers, under the titles of *Emancipator* and *Human Rights*, which arrangement he declares was indispensably necessary.

The value of Hayne's leadership in thus arresting what might

[1] *Courier*, Aug. 28, 1835.

have easily grown into a grave breach between the general government and the State, is attested by a writer in O'Neall's "Bench and Bar," presumably Bishop Elliott, who states that at a meeting, presumably the one alluded to by the Postmaster, an effort was made "under the auspices of John Lyde Wilson and other unquiet spirits" [1] to sanction the lawless invasion of the Post-office by a public vote; while it was declared that the progress of the mail must be arrested until it could be duly scrutinized by the State officials. The writer states that he attended the meeting, and describes the manner in which Hayne opposed and brought this to nothing. Finding, he declared, that in conversation on the floor he could not stop the growing excitement, but that rather the crowd was growing more turbulent, the ex-Governor mounted a bench, and, concentrating attention upon himself, with eye, voice and general mien, dominated the meeting and forced upon it the more reasonable course. As to the possible consequences, had he failed to control the meeting, the Postmaster, himself, writing to Charles Manigault, under date of October 15, 1835, gives us some idea: "I received Galignani and was quite amused with the account of the storming of the Post-office — it would have been a serious affair had the People attempted to carry out one of their plans, which was to take charge of the Post-office. My double Barrel was all ready and I should assuredly have pulled trigger — it all ended very well; but the abolitionists will, I fear, go on, and the Union will be the sacrifice. I deeply regret this, for I am a confirmed Union man. I lived near enough to the Revolution to imbibe all the prejudices and weaknesses of Washington. I believe that liberty depends upon the success of our Constitution, and when it goes, God help us." [2]

[1] O'Neall, "Bench & Bar," Vol. 2, p. 29.

[2] Original letter of Alfred Huger to Charles Manigault, in possession of Miss Ellen H. Jervey, Charleston, South Carolina.

ROBERT Y. HAYNE,
SPEAKER OF THE HOUSE, ATTORNEY-GENERAL, U.S. SENATOR,
GOVERNOR OF SO. CA., FIRST MAYOR OF CHARLESTON.
HIS LAST PUBLIC SERVICE
WAS HIS EFFORT TO OPEN DIRECT RAILROAD COMMUNICATION
WITH THE VAST INTERIOR OF OUR CONTINENT.
"NEXT TO THE CHRISTIAN RELIGION I KNOW OF NOTHING
TO BE COMPARED WITH THE INFLUENCE OF A FREE,
SOCIAL AND COMMERCIAL INTERCOURSE, IN SOFTENING
ASPERITIES, REMOVING PREJUDICES, EXTENDING
KNOWLEDGE AND PROMOTING HUMAN HAPPINESS." HAYNE.

VALENTINE'S BUST.

BOOK IV

THE APPEAL TO INTEREST

CHAPTER I

THE LOUISVILLE, CINCINNATI AND CHARLESTON RAILROAD. HAYNE'S DEEP INTEREST IN IT AS A MEANS OF PRESERVING THE UNION. CALHOUN'S ATTEMPT TO DIVERT THE ROUTE

WHILE no longer occupying official station, Hayne was by no means free from duties, in their nature public, as appeared in the Post-office episode, finally settled satisfactorily, although it became the occasion of some ill feeling between Senator King of Georgia and Calhoun a little later; yet this greater freedom of action enabled him the more clearly to recognize the future power of the developing West. It was characteristic of the man that he was never too self-opinionated to gather instruction from an adversary or to refuse to entertain a view because he had at one time failed to appreciate its exact application. Prior to his election to the United States Senate in 1822, it has been suggested that he was the author of the suggestion, in the fall of 1821, that a railway, to be operated by steam power, might solve the difficulties of transportation in South Carolina, and that the line, if laid down, should be from Charleston to Augusta, with a fork to Columbia. If Hayne had been as active in perpetuating the recollections of his own achievements or recalling to the attention of his correspondents and audiences the suggestions which were to the credit of his own sagacity, as he was in recording the wisdom

of others, more would be known of the man; but in this forgetfulness of self he greatly resembled Lowndes. If he was this individual "H," there were not lacking reasons why he should have failed to press the subject more actively at that time. First, the nomination of Lowndes for the Presidency, at the very session of the Legislature, to whose attention the writer had called the patent railway. Second, the engrossing duties imposed upon him (Hayne) as chief legal adviser and general superintendent of police power during the investigation of the Denmark Vesey insurrection; and lastly, his own nomination for and election to the Senate of the United States, at a time when the question of the tariff dwarfed every other issue. The patent railway had been exhibited in Charleston in the early part of 1822;[1] but for nearly four years the idea of transportation by railroads made little headway. In the early part of 1825 there is a complaining note concerning the neglect of this means of transportation,[2] but hardly any sustained effort along this line prior to 1827. Under the leadership of Aiken and Horry, and with the assistance of others, whose fame Hayne's subsequent speeches preserved, the railroad had advanced with great energy until, by the death of Elias Horry in 1834, the projected march to the West was halted. For narrow, local reasons Columbia opposed the project, and in fact in scarcely any quarter outside of Charleston did it receive any substantial support. For this, Charleston's business men and property holders were not entirely free from blame. The road was refused access to the water front, and the merchants were accused of burdening the produce, brought in with such unnecessary charges as to drive cotton to Savannah. In addition, while the general government was most unreasonable in behavior with regard to the matter of the carriage of the mail, a little more tact on the part of the railroad management

[1] Phillips, "History of Transportation in the Eastern Cotton Belt," p. 136.
[2] *City Gazette*, April 8, 1825.

might have adjusted the matter, without the loss of $10,000 a year, which the contract brought in. Very probably the meeting in Cincinnati in the fall of 1835, which started active interest in the great Western Railroad scheme with which South Carolina was occupied from this time for some five years or more, owed its origin to the investigations and reports of Elias Horry, president of the Charleston and Hamburg Railroad, before brought to notice in 1833 and 1834. Be that as it may, in October, 1835, a lengthy and well-thought-out statement regarding the construction of a railroad between Charleston and Cincinnati was laid before the Charleston public, as emanating from a group of Western men of prominence, at the head of whom stood General William H. Harrison,[1] a senator from Indiana, during a part of the time of Hayne's service in the Senate. The distance was estimated to be 609 miles, viz., 80 miles from Cincinnati to Lexington, Kentucky; thence to Cumberland Gap, Tennessee, 130 miles; thence to the French Broad River, North Carolina, 54 miles; thence to Columbia, South Carolina, 215 miles; thence to Charleston, 130 miles. The blending of the practical and the sentimental in the appeal with which these Western men concluded their call for a general movement in behalf of the undertaking was well calculated to stir the interest of many South Carolinians, and Hayne especially. "In conclusion," declared the framers, "we would address ourselves to South Carolina, the oldest Southern member of the original thirteen, and to Kentucky the first born of the Union, and ask them whether their relative rank and seniority do not impose on them the duty of promptly moving in this national enterprise. . . . The people of those States, from their very origin, have been distinguished for traits of character which, in the days of external dangers, were most precious to their brethren, and should the same energies of feeling and action now be thrown into the arts and enterprises of

[1] *Charleston Courier*, Oct. 8, 1835.

peace, results must be obtained at once honorable to themselves and beneficial to the Union." With this call ringing in his ears, Hayne was deaf to Calhoun's suggestion for sectional action, with regard to the Abolitionists. He had tried argument and had tried force, and upon him, in the last, had been imposed the heaviest weight of responsibility. He desired no more arraying of State against Nation, section against section. He knew the Force Bill had not been repealed, and would not be, and he must have remembered that Calhoun had declared that either the Force Bill or the political connection must yield. The compromise concerning the tariff was more to him than the theory of nullification. He believed the Union to be in danger. The appeal to reason had produced no result; the appeal to force had indeed been successful; but evidence was not lacking that the victory had been won at some cost, and at any moment the battle might be on again, with no further chances for a compromise. Here, now, was presented the opportunity for an appeal to interest. With all the ardor which had characterized him in his senatorial career, he flung himself into this industrial enterprise; and his associates, recognizing his worth, placed him at their head, and imposed upon him the labor and responsibility, as had been the case in the Senate from 1824 to 1832 in the long fight against the tariff. On November 5, 1835, he submitted the report of the committee appointed to examine into the projected road to Cincinnati, of which some extracts give an idea. It was a characteristic of Hayne to remember and comment upon the achievements of others; but never his own. Calhoun's habit of calling attention to former suggestions, the wisdom of which time seemed to have established, helps not infrequently to a better conception of some historical facts. For instance, the assumption that it was about this time that Calhoun urged upon Hayne the advisability of calling a Southern convention concerning Abolitionistic activity, is not only borne out by the fact that the *Mercury*, devoted to Cal-

houn, contained article after article of that nature; but also because three years later, in replying to some communication of Hayne concerning the Abolitionists, Calhoun reminds him that he, Calhoun, advised action; but failed to obtain his coöperation. This "I told you so" phrase, however, was not Hayne's habit, and hence, after being informed of the deep interest taken by the citizens of Charleston in the projected road, we are not surprised to note the information from him that "the late Stephen Elliott seven years ago pointed out through the columns of the *Southern Review* the facility with which the commerce of the West could be brought to Charleston by a railroad (connecting the valleys of the Ohio and Mississippi with the Atlantic Ocean), by which, in six days, commerce might be taken from the confluence of the Ohio and the Mississippi to this city, and in five days a return cargo be delivered at the same point."[1] Allusion also is made to valuable and thoughtful suggestions by Joel R. Poinsett, Charles Edmondston and Elias Horry; but no allusion to the very extraordinary suggestion of "H" in 1821, that by steam power a road might be operated from Charleston to Augusta, with a fork to Columbia, although there is a development of the very idea — a habit somewhat peculiar to Hayne and noticeable in his speeches — with regard to ideas particularly attractive to him. "H" had suggested, in 1821, the possibility of effecting by steam power what might be beyond horse power; and Hayne says in this report in 1835, "The application of the mighty power of steam to machinery has given an impulse to our whole country, which has impressed the public mind with a deep and settled conviction that to American skill, enterprise and perseverance nothing in the way of improvement is impossible." The route, he thought, could only be determined after careful examination; but this done, the advantage to the whole country would be incalculable. "A railroad which shall enable the citizens of Charleston and

[1] *Charleston Courier*, Nov. 5, 1835.

Cincinnati, of Lexington and Louisville, to visit each other, and return home in the course of a few days, would multiply the cords of sympathy, by which men's hearts are united, and from which spring all the gentle charities of life. The natural effect of all this in strengthening the bonds of our political union will be felt by every one who reflects on the influence of social intercourse in smoothening asperities, removing prejudices and binding us together by those social ties which are among the strongest bonds of society. In one point of view, these considerations assume an importance to which too much weight cannot possibly be given. We allude to the effect which such a connection must have upon the peculiar institution of the South. Slavery as it now exists in the Southern States, which we all feel and know to be essential to the prosperity and welfare, — nay, to the very existence of these States, — is so little understood in other portions of the Union that it has lately been assailed in a spirit which threatens, unless speedily arrested, to lead eventually to the destruction of the Union, and all the evils which must attend so lamentable an occurrence. We believe that an establishment of such an intercourse with the Western States, as is now proposed, would have a powerful tendency to avert this dire calamity." Continuing, the report indicated how earnestly New York, Boston, Philadelphia and Baltimore were moving for what was offered to Charleston, and how "impossible it was to remain stationary when all others were pressing on." And that "to remain inactive is to lose the prize." The result of the report was an appropriation of $5000 for an immediate survey, and the appointment of a committee of Correspondence, with Hayne as its head. At Columbia, Abraham Blanding, Wade Hampton, Senator Preston and others had taken hold of the project, Preston in an eloquent speech having criticised Columbia severely for failing to assist the road in the past from Charleston to Columbia; and, upon declining the proposal of the *Courier* that a vacancy should be made for him in the Charles-

ton delegation to the Legislature, Hayne was enabled to state: "After a free interchange of opinions between the Columbia and Charleston committee, it has been determined that application shall be made to the Legislatures of the several States interested, for charters to be granted to a joint committee, for which subscriptions will be opened as soon as the necessary surveys and estimates can be made." He also stated that Colonel Blanding had consented to take charge of the petitions to the Legislatures of Tennessee, Kentucky and North Carolina, where, on account of his high character and extensive acquaintance, he could not fail to obtain a favorable consideration.[1] So far, all are moving together; but on November 11 there appears in the *Mercury* a letter from Calhoun to J. S. Williams, one of the most influential of the Western movers. It is dated July, 1835. After expressing his pleasure at the proposed connection between the South Atlantic and the West, "an object which I have long considered the most important in the whole range of internal improvements," he claims to have made arrangements at Charleston in the spring of that very year "to give the first impulse from that point"; that he had agreed to prepare a memorial in the course of the summer; but not obtaining the requisite information from the report of Colonel Long, "the deep excitement of the South in consequence of the interference of a certain description of persons at the North with our domestic institutions, rendering it impossible at that time to attract public attention in this quarter to the great object in contemplation, induced me to postpone any movement." From this he elaborates what has been put forward in the Cincinnati pamphlet and Hayne's report, declaring that "the only question is the line of route." Then he endeavors to show that a different route is much better. His argument is that: "The river (the Tennessee) has broken or turned the whole Alleghany chain to the Southwest, except an incon-

[1] *Charleston Courier*, Nov. 9, 1835.

siderable ridge of a few hundred feet in height, which has resisted it. . . . In consequence, there is no impediment to the construction of a railroad from Charleston to the head of steamboat navigation on the Tennessee." Having called the attention of his correspondent to the fact that beyond the railroad from Charleston to Augusta, 136 miles completed, there was one under way, thence to Athens, Georgia, about 100 miles, which he thinks would probably be completed in a year or two, he estimates the distance as follows, "From Athens to the valley of the Tennessee or eastern termination of the Decatur Railroad and to Muscle Shoals, 200 or 250 miles." And ending all calculations and estimates some 200 or 300 miles short of where the projectors' interests were mainly centred, he blandly observes: "From the bend of the Tennessee you can best determine the difficulties. At all events, when the railroad reaches the Tennessee, the connections of the South with the whole of the Mississippi Valley will be complete." After giving the cheerful information, that even if connection by rail is made with Cincinnati, much of the heavy transportation would be made by steamboat, he closes with the declaration that as a railroad is projected from the bend of the Tennessee to Memphis, consequently the movement of population and industry is towards Arkansas and will make the region described the industrial centre of the country. Under date of October 17, he writes again, acknowledging receipt of pamphlets, and noting: "The Meeting takes a different view of the route from the one which I had suggested in my letter to you. It certainly has the advantage of being far more direct and of passing through a large tract of interesting country, which now is almost shut out from Market. . . . The road would pass through the entire length of this State, say 250 miles, nearly half of the entire distance, and I think I may say with confidence that if Kentucky, Tennessee and North Carolina, through which it would pass, and which have a deep interest in its execution, will execute the portion which may

be within their respective limits, South Carolina will meet our Western brethren on her Northern and Western limits with a well-executed railroad to her commercial capital. . . ." While if both prove practicable, — he sees no reason why one should supersede the other, — he seems fully alive to the danger to "the grand design of uniting the two sections," which may arise through "rivalry and conflict," against which he inveighs.[1] This second letter does not seem, however, to have been given to the press, while the first was, as we see, nigh a month after the penning of the second. As in some measure a counterpoise to Calhoun's arguments for a change in the route, a letter from Judge O'Neall to Hayne was a little later made public, in which this ornament of Carolina's great bench indorsed most unreservedly the proposed route through the centre of the State, expressing incidentally his great pleasure to have it again in his power to think and coöperate with Hayne in a great public matter. After many valuable and practical suggestions to bring all in to the work which he believes "can be constructed by South Carolina alone," he concludes with the declaration: "There is no scheme of internal improvement that has ever so much interested me, and for which I should be ready to make so many sacrifices. For if it succeeds, South Carolina will be prosperous beyond all former calculations, and the Union of the States will be as lasting as the rocks and mountains which will be passed and overcome by the contemplated road." [2] On the same day as this letter, appears the report of Colonel Gadsden, the engineer engaged by the Charleston committee, that from actual examination of the gaps of the Saluda Mountain, the railroad may be made to cross the chain with more facility than was first imagined.[3] Governor McDuffie gives the scheme some encouragement in his Message to the Legislature, and by that body R. Y. Hayne, P. Noble, Thomas

[1] "Calhoun's Correspondence," pp. 346–347.
[2] *Charleston Courier*, Nov. 26, 1835.
[3] *Ibid.*, Nov. 26, 1835.

Smith, A. Blanding and C. Edmondston are appointed commissioners. Calhoun had, however, been actively engaged in correspondence with the two Georgia congressmen, Clayton and Dawson, and also Colonel F. Carter, to whom he intimated that he would use his influence with Ker Boyce and Hamilton in behalf of the Georgia enterprise;[1] and at Cincinnati, where a great meeting was held at the close of the year, mention is made of the receipt of letters from Calhoun, Hayne, Governor Cannon of Tennessee and the Georgia Railroad Company.

[1] "Calhoun's Correspondence," pp. 349–352.

CHAPTER II

THE POLITICAL POSSIBILITIES OF THE GREAT WESTERN RAILROAD IN THE LIGHT OF ABOLITION AGITATION. THE REVOLT OF H. L. PINCKNEY FROM THE DOMINATION OF CALHOUN OVER THE SOUTH CAROLINA DELEGATION IN CONGRESS. THE KNOXVILLE CONVENTION. HAYNE MADE PRESIDENT

THE expression used by Hayne in his report concerning the Western Railroad, "Slavery as it now exists in the Southern States, which we all feel and know to be essential to the prosperity and welfare, nay, to the very existence of these States," represented the views of some who had imperceptibly changed with the times. It does not seem to have been an absolutely prevailing view in South Carolina in Hayne's youth, and it was apparently against just such a view that D. E. Huger, K. L. Simons and Hayne had contended in the South Carolina Legislature in 1818, in opposition to McDuffie, Lance and Witherspoon, when the debate had been characterized as one which had elicited a greater degree of eloquence than had been heard in that body for years. It is true, that in the debate on the Panama mission, in the United States Senate in 1826, Hayne had taken a position not at all opposed to his attitude in this report of 1835; yet, in 1827, when he had had an occasion to go most thoroughly into the subject, he had declared unequivocally that time would settle the matter, and that slave labor must give way and cease to be profitable when it came into competition with free labor. As Governor in 1833, he had called attention to the abuses of the system, as Bennett and Lyde Wilson

had done in their time; but he could not fail to be somewhat affected by that growing belief in the institution of slavery, which the successful outcome of the nullification struggle had unquestionably strengthened. Yet Hayne's declarations concerning slavery, even when supporting the system, are always qualified. At no time, nor by any expression, does he ever commit himself to the belief in such a condition as his two great contemporaries, Calhoun and McDuffie, unhesitatingly do. In this very year, Governor McDuffie took occasion to state in his Message to the Legislature, "No human institution, in my opinion, is more manifestly consistent with the will of God than domestic slavery, and no one of his ordinances is written in more legible characters than that which consigns the African race to this condition, as more conducive to their own happiness than any other to which they are susceptible." [1] With this sentiment growing in the South, and the Abolition sentiment increasing in the North, to a man of Hayne's practical mind it was only a question of time when the clash would come. The growing divergence in opinion must be checked, if the Union was to be preserved. Argument had been tried, and had proven useless. The sections were straining apart. They must be knit together by a bond of interest so strong as to stand the tugs of differing views, while time adjusted the great question to the industrial growth of the future. This was why the Western Railroad meant so much to Hayne. Calhoun's view of the railroad question, apparently, was somewhat different. In the first place, it is doubtful whether he ever conceived of transportation by rail, serving more than as an adjunct to water transportation, and the limitations of his understanding of the subject furnish some excuse for his determined opposition to the plans of those better equipped to grapple with the question, than time has indicated he was. He had no objection to a connection with the Northwest, and would

[1] *Mercury*, Nov. 27, 1835.

have been glad to see it effected, for his love of the Union was deep and profound; but for all that, it is probable that he contemplated a division as possible in the future, and his aim seems to have been more to connect the South more closely than to draw together the North and South as one.

Abraham Blanding had meanwhile attended the convenings of the Legislatures of North Carolina and Tennessee, which had responded favorably, and after a visit to Cincinnati, where he was received with demonstrations of great interest, he proceeded to Kentucky. Here the first open obstruction to the great enterprise appeared; for the conditions under which the Legislature of Kentucky granted a charter to the road were almost prohibitive. First, in addition to the line between Cincinnati and Lexington, provision must be made for lines to Louisville and Mayesville; second, the Legislature retained the right to buy out the road after a certain period; third, Kentucky must have six out of the twenty-four directors, leaving three each for the other four States. But not content with these preposterous conditions, an attempt was also made to strike out the provision for any road to Cincinnati. This, however, failed.[1] The only possible excuse for this behavior of the legislators of Kentucky lay in the fact that they may have suspected that part of the interest of the States north of the Ohio River was in the opportunity offered to boom Harrison for the Presidency, which the movement might afford. Certain it is, that in Blanding, Harrison had an advocate. Indeed, if we measure the interest of Indiana and Ohio as evinced by words and deeds, the contrast is somewhat astonishing. On February 8, 1836, the Legislature of Indiana passed the following preamble and resolutions, "Whereas the Governor of this State, at the present session, laid before the Legislature the proceedings of a public meeting, held at Cincinnati in August last, on the subject of a railroad from the

[1] *Charleston Courier*, Feb. 17, 1836.

banks of the Ohio River to the tidewaters of the Carolinas and Georgia; and also the proceedings of the chamber of commerce of Charleston, held in October subsequent, with other documents; and whereas the successful prosecution of the said work is inseparably connected with the commercial, political and social interests of Indiana, as well as the more enlarged and delicate interests of the Union: Resolved that the General Assembly view with the liveliest interest the project." For this interest they assigned four separate reasons, concluding with a fifth which reëchoes the sentiments of Hayne: "Resolved that it is in view, however, of its effects upon the social and political condition of our common country, that they regard it as most important; that they look upon it as a measure which more than any other in this present age will tend by its operations upon the trade and intercourse of remote and comparatively alienated sections of this confederacy to harmonize the jarring elements of now discordant and conflicting interests, feelings and habits; that they look upon it as an iron chain, which will evidently tend to connect with new ties this glorious Union, which is the basis of our common prosperity and of well-regulated liberty." [1] If Indiana ever did anything in the smallest degree for the road, the record does not seem to have been preserved.

In the same year, at Washington, a matter of considerable importance came up, and as it developed seemed pregnant with great political possibilities, as far as South Carolina politics were concerned. This was the Declaration of Independence, or the revolt of Calhoun's ablest henchman. For ten years H. L. Pinckney had supported Calhoun, with voice and pen and faith so clinging as to injure his own reputation for consistency, in fact to such a degree as almost to destroy it. He had attacked or supported Jackson, as the exigencies of Calhoun's political measures had required that the former should be magnified or belittled, and he had warred

[1] *Charleston Courier*, April 8, 1836.

most relentlessly against all who opposed in the slightest the views of his great leader. When Calhoun was opposed to Crawford, Pinckney had echoed his chief's declarations against the extreme State Rights supporters of the Georgian, with a fluency and force and a picturesqueness of phrase far beyond the power of Calhoun. When Calhoun took up the doctrine of nullification, Pinckney championed the policy without reserve. No man in Charleston was so intensely hated by the Unionists as H. L. Pinckney; but he was a power in the city; and when in 1830, at the outset of the struggle over nullification, the Unionists in Charleston swept almost everything before them, they could not prevent the election of Pinckney to the Legislature, or secure the return of their own leader, Petigru, between whom and Pinckney there existed a hatred almost cordial in its stimulating influence. And in the hour of their exultation, Pinckney called these facts to the recollection of the Unionists. In recognition of his services, the nullifiers, unable to nullify in 1830, made Pinckney Speaker of the South Carolina House of Representatives, and, in 1832, Drayton no longer being a possibility, Pinckney succeeded him in Congress. Too able and ambitious to be content with obscurity, having won a second election over Alfred Huger in 1834, with McDuffie's abandonment of Congress to become Governor, no one was left in the congressional delegation Pinckney's equal, as speaker or legislator, and he, not unnaturally, strode to the front. In 1835, as has been shown, the South, and particularly Charleston, had been greatly stirred by publications sent through the mails. Action had been demanded, and in 1836 the administration attempted to stop the distribution of such matter. But upon its appearance, Calhoun promptly opposed the bill, for which he was roundly denounced by Senator King of Georgia, who accused him of trying to prevent the administration from protecting the South simply on account of his hostility to the administration. This Calhoun denied, declaring

that the administration bill affected State Rights, as the States should decide what should or should not be distributed through their borders. Yet Calhoun writes to Duff Green just about this time: "The Senate, I fear, is subdued. I never saw so little spirit in the body. There has, however, sprung up a fine spirit in the House among the young men from the South and West. . . . Among this band, Wise has taken a noble stand. He has made the most effective speech ever delivered against the administration." [1] But in the episode, Wise does not seem really to have accomplished as much as Pinckney. The incident, from which the discussion arose, was precipitated in the following way: John Quincy Adams had introduced a petition to abolish slavery in the District of Columbia, with regard to which he declared a report could be offered which would satisfy the people of the North that Congress had no power to abolish slavery in the District of Columbia.[2] Owen, thereupon, moved a resolution that any petition on the subject of the abolition of slavery ought to be laid on the table without debate. This, Glascock desired to amend with a declaration that any agitation was calculated to disturb the compromises of the Constitution, for which Wise offered a substitute, in effect declaring that there was no power to legislate, and an attempt would be dangerous. Into this tangle Pinckney interposed with a motion that all memorials, together with the resolutions, amendments and substitutes referring thereto be intrusted to a select committee, with instructions to report "that Congress has no authority to meddle with slavery in any of the States; that Congress ought not to meddle with it in the District of Columbia, and to assign such reasons as would allay excitement, preserve the just rights of the slave-holding States and establish harmony and tranquillity among the sections of the Union." [3] Later, evidently, there was added to this a section

[1] "Calhoun's Correspondence," p. 356. [2] *Courier*, Feb. 2, 1836.
[3] McMaster, "History of the People of the United States," Vol. 6, p. 295.

declaring "that all petitions hereafter with regard to slavery be laid on the table." [1] But this attempt to mollify Wise pleased neither Adams nor Wise, and the latter, with his usual intolerance, denounced Pinckney as a deserter. But Pinckney had participated in too many stormy gatherings to be very profoundly perturbed by the frantic vituperation of a man of Wise's caliber, and in the light of the vote the silent contempt with which he received it was appropriate. More disturbing than Wise, the assaults of the *Telegraph* and his own home paper, the *Mercury*, failed to move him, and, in addition to the overwhelming majority with which the House sustained him, he carried with him two other congressmen from South Carolina, Rogers and Manning, the latter of whom not only voted with him, but sustained his position with an able speech. The resolution declaring that Congress had no power to interfere with slavery in the States was adopted by a vote of 182 to 9; that which declared that Congress ought not to interfere with slavery in the District of Columbia passed by a vote of 132 to 45; while the one reciting that all petitions hereafter with regard to slavery be laid on the table, went through by 117 to 68.[2] The last was what excited Adams; but it brought Pinckney so close to the position of Calhoun that it is difficult to understand wherein his great offence lay. He was charged, however, with inclining to Van Buren, an accusation which, it is instructive to note, was levelled by one of his severest critics, and one of Calhoun's most intimate associates, against Calhoun himself, in the following year. On the floor of Congress, Pinckney's triumph was complete; but it was at home, in the retention of his seat, that the really serious struggle would come. In daring to differ with Calhoun, he had bearded "the lion in his den, the Douglas in his Hall," and he would have to reckon with those who upheld Calhoun. Against him would be his quondam

[1] *Courier*, March 18, 1836.

[2] *Ibid.*, June 1, 1836.

associate of other days, that stalwart nullifier, General James Hamilton, who, with the additional prestige which clothed one who had been Governor, could fairly claim to have divided with him the leadership of the nullification struggle in the city of Charleston. Nor could he count on Hayne's support; for it must be admitted that in the last of his resolutions he had indirectly condemned the introduction of the first two, and somewhat reduced the question to one within the power of Congress to pass upon, a position the South did not accept. To cast an additional damper on his prospects, Manning, the ablest of the Unionist leaders at that time in the interior of State who had supported him with voice and vote, suddenly died. Nothing daunted, however, by the odds, Pinckney issued his election address and opened the struggle.

Meanwhile Hayne was devoting himself assiduously to the railroad. Surveyors were despatched with instructions to report to the Board of Survey at Flat Rock, North Carolina, on June 20, to enable that body to prepare a report for the convention which was to meet at Knoxville, Tennessee, on July 4, and, as chairman, he issued an address calling on the people throughout the State to select delegates to represent them there. In this address he besought them not to consider local interests or sectional jealousies, as the matter rose far above even the great material interests involved, and furnished the one way of preserving the Union.[1] Leaving young Colcock to examine the route through Pendleton District more completely, he pushed on to Flat Rock to prepare his report. A subsequent letter indicates that he examined a route, later made much of by Calhoun, as pointed out by a guide furnished by residents acting with Calhoun in this matter.

On July 4, 1836, the convention opened at Knoxville, Tennessee. Delegates from Indiana, Ohio, Kentucky, Virginia, North Carolina, South Carolina, Georgia, Alabama and Tennessee attended, 380 in all.

[1] *Courier*, March 30, 1836.

Hayne was unanimously chosen president and Blanding presented the report which the South Carolina Board of Survey had prepared. From the result of the investigations made by the three or four engineers appointed by the State of South Carolina, and the four detailed by the Secretary of War, it was declared, "There is no route within the limits of the existing charter by which a railroad can be carried across the Blue Ridge that must not pass along the valley of the French Broad River, and the commissioners are under a full conviction that this valley affords by far the best channel of communication between the Ohio River and the Atlantic Ocean." [1] The report of the committee of forty-five made it clear that, for the times, it was a most stupendous undertaking. The estimate for the 241 miles required in South Carolina was $2,514,546; for the 100 miles in North Carolina, $2,560,000; for the 90 miles in Tennessee, $2,700,000; for the 250 miles necessary to reach both Cincinnati and Mayesville, $3,040,500 would be required; while with regard to the additional branch to Louisville, the distance approximated only was put at $990,000. The report entered very fully into the material advantages of the great road, but did not fail to bring out that which had seemed of such transcendent importance to Indiana, Ohio and South Carolina, "its controlling and permanent influence on the peace and perpetuity of the Union by practically increasing the reciprocal dependence of the North and the South from Michigan to Florida by establishing connections in business, promoting friendships, abolishing prejudices, creating greater uniformity in political opinions and blending the feelings of distant portions of the country into a *union of heart.*" This is the note struck again and again by Hayne from the inception of the enterprise until his death: "Let this be pressed home upon the States, and let them be urged by every consideration of

[1] Proceedings of the Knoxville Convention. Printed by Knoxville Reg. Office, p. 5, Report of So. Ca. Commissioners.

patriotism and duty not to neglect the means which Providence seems at this time to have thrown in their way, for the purpose of effecting the greatest object, which it may ever be in their power to accomplish, — that of forming a lasting union between the West and the South, by binding them in the golden chain of mutual sympathies and common interests; by breaking down all the barriers which now divide them and causing the stream of commerce to spread its benign and fertilizing influence through regions which want only this to become the fairest portion of the globe." [1] By the *Charleston Courier* it was declared: "Hayne has acquired imperishable honors in this convention. After the most hearty thanks of the convention had been awarded him, he made a most beautiful and happy address in parting, and thus has our labor terminated." [2] By the convention, Hayne was requested to issue an address, setting out the results for the public to act upon. This task he accomplished with his usual ability, not belittling it in the slightest degree; but claiming in all sincerity: "If Maryland can afford to appropriate $8,000,000 to secure her share of the commerce of the West; if the young and flourishing State of Indiana finds it to be her interest to become responsible for $10,000,000 to be expended on works of internal improvement, it must be comparatively easy for the six or eight flourishing States chiefly interested in *our great work* to raise any amount that could possibly be required for its speedy accomplishment." [3] In his "History of Transportation in the Eastern Cotton Belt," Professor Ulrich B. Phillips has discussed this address. In the main, the synopsis he gives of it is correct; but he seems to have been betrayed into criticism of Hayne, which the authority he depends upon does not fairly bear out. He says in that most interesting and otherwise

[1] Address of Hayne, President of Knoxville Convention, Pamphlets, Vol. 2, No. 10, p. 35, Charleston Library Society. [2] *Courier*, July 18, 1836.

[3] Address of Hayne, President of Knoxville Convention, Vol. 2, No. 10, p. 4, Charleston Library Society.

instructive work: "In conclusion, Hayne stated the charter requirement of subscriptions amounting to $4,000,000 prior to Jan. 1, 1837, and he gave the reckless advice that every man should subscribe for as many shares as he could see his way clear to paying the first instalment of $5 upon." [1] Hayne stated: "The charters provide that subscriptions for stock shall be opened in the several States, on the third Monday in October next, to raise the sum of $4,000,000 in shares of $100 each, on which $5 shall be paid at the time of subscribing . . . the books are to remain open till the first of January following, when, if the sum of $4,000,000 shall not have been subscribed . . . the charters are declared to be forfeited, and the enterprise will have utterly failed. Should this amount be subscribed then, the Company is declared to be established and are allowed two years to commence operations and ten to complete the work, with liberty to raise the further amounts that may be required by additional subscriptions, loans or otherwise, and they are created a corporation in perpetuity, with ample powers and privileges." The advice he gave was not at all to be described as reckless; for it was not, as Professor Phillips puts it, "that every man should subscribe for as many shares as he could see his way clear to paying the first instalment of $5 upon"; but, "Every man who can afford it, should subscribe liberally; he who can spare only $100, may subscribe for twenty shares, and he who can spare but $5, for one share." [2]

Hayne believed, as he said, a failure would be fatal. He invited and solicited from every man who could afford to "spare" it from $5 to $100, to save the charters, in the limited time, in which it was allowed to procure them, "to mould into one brotherhood the now estranged and alienated inhabitants of our widely extended Republic."

[1] "History of Transportation in the Eastern Cotton Belt," p. 186.

[2] Address of Hayne, President of Knoxville Convention, Pamphlets, Vol. 2, No. 10, p. 33, Charleston Library Society.

CHAPTER III

PINCKNEY'S DEFEAT. CALHOUN'S NEW ROUTE. SMALL AMOUNT OF SUBSCRIPTIONS OUTSIDE OF SOUTH CAROLINA. McDUFFIE'S POWERFUL CRITICISM. HOW IT WAS MET. THE VOTE OF THE STATE FOR PRESIDENT OF THE UNITED STATES

WHILE these events of great interest to the business world, and fraught with such enormous possibilities for the future politics of the whole country, were transpiring, H. L. Pinckney was struggling desperately to get back to Congress, where, under the circumstances, he would have wielded great influence. It is impossible not to feel some sympathy for his bold and independent ambition; but he had cut his way ruthlessly to power, trampling upon all who opposed or questioned Calhoun's policies, and, as numerous anonymous correspondents pointed out, he was only receiving what he had meted out to others. Yet it required all the political astuteness of Calhoun's lieutenants in Charleston to defeat him, and, had they not waged the campaign with peculiar shrewdness, it would have failed. First, that Unionist least objectionable to the nullifiers, a gentleman of exceptional culture and many accomplishments, who had been away from the State and out of the United States during the stormy nullification period, Hugh Swinton Legare, came hurrying home from Belgium, and, in addition, Holmes was brought out by the nullifiers. A meeting of the Unionists was called to decide whether they should support Pinckney or Legare. Richard Yeadon was for Pinckney, Petigru, DeSaussure and Alfred Huger for Legare, and they carried the meeting with them; [1]

[1] *Courier*, Sept. 12, 1836.

still, the influence of the editor of the *Courier* was strong enough to lead many Unionists to Pinckney, while John and A. G. Magrath rallied their State Rights friends in his support. It was necessary to extract a declaration from Hayne, and he, while asserting his close personal relation to Pinckney, which would prevent his opposing him, declared that he thought he had made a grave mistake, and had so written him at the time. He also stated that as Intendant or Mayor, to which office he had shortly before been elected, with the views lived up to by him as Governor, he could take no part in local politics. The contest was close, but Legare was elected. Before this had occurred, however, Calhoun had begun a second movement against the French Broad route. Finding that he stood almost alone in advocacy of the junction with the Georgia route by connection between Augusta and Athens, a junction which Augusta barred by her opposition to a bridge, connecting Hamburg, the terminus of the Charleston line, with the road to Athens, asserted at the time to have been designed on a different gauge, for the purpose of preventing this very junction, he exerted himself to secure support for a route "following the old Cherokee trading path . . . and crossing the summit of the Blue Ridge from White Water Creek, a branch of the Keowee to the Tuckasiege." Informing James Edward Calhoun that he has examined the route in company with Colonel Gadsden, he urges him to get up meetings, have parties qualify for directors as "with proper efforts the road may be taken this way; and if it should, I do not doubt that it will be the best stock in the State. I feel confident that $6,000,000 by the Carolina gap will carry it from Charleston to the Ohio, such is the great facility of the route." [1] Hayne had during this period been actively at work, as reports from agents despatched to Baltimore and other communications indicate. Among these letters is an interesting one from Colonel

[1] "Calhoun's Correspondence," p. 363.

Gadsden, explanatory of his position. He wishes it to be understood that he had voluntarily withdrawn from the survey, not that he had been superseded;[1] but he thinks the conduct of the commissioners of South Carolina towards him needs explanation. From this, however, he proceeds to a discussion of routes, declaring, "I am more than convinced that by explorations . . . a way can be found to the summit of the Blue Ridge, and I am not so sure that by either the Green River or Gap Creek I can so extend the inclined plane as to ascend at either of these points on inclinations not exceeding 45 or 50 feet to the mile."[2] From Patrick Noble, R. F. W. Allston and others, Hayne receives communications, and Blanding writes of his own address, "I must have your revising hand before it goes to press," and inquires as to the necessary amendments to the charters, "so as to let in Georgia according to the intentions of the Knoxville convention." But Hayne had anticipated this by writing to the Governor of Georgia, who had promised to place his communication before the Legislature at its convening.[3] Such was the situation when the meeting in Pendleton, to which Calhoun alludes, took place, with regard to which a copy of the proceedings were sent to Hayne. That Hayne considered this publication as to some extent unjust to the railroad, is apparent from his reply. He denies that the object of the commissioners has been to designate any particular route, but to obtain information for the Legislature: "For this purpose a route in the near neighborhood of that indicated by you was explored in May by Captain Williams and myself, which appeared to us manifestly impracticable. Of this Mr. Calhoun himself seems to be perfectly satisfied; but he thinks we were 'misled by our guide.' If this was so, the fault was not ours. We applied to the committee, appointed by the citizens of Pickens District to direct us, one of

[1] Original letter from James Gadsden, Aug. 13, 1836. [2] *Ibid.*

[3] Original letter from Governor Schley of Georgia, Sept. 2, 1836.

whom accompanied us on the route, and we obtained, moreover, the best information to be had from the inhabitants, in the immediate neighborhood, all of whom agreed that the route we traced was the best known to them and if that was found to be impracticable, there was no hope of finding any better in Pickens District."[1] He advises them that they can lay all information in their possession before the Legislature and, from his pains to show them, "if the route ought to have been surveyed the omission is in no way chargeable to us," it looks as if, on the very eve of the opening of the books, the enterprise was subjected to an unfair criticism. Every effort was made by those sincerely interested; but the result fell below anticipations, the total subscriptions from South Carolina being, at this time, only $3,133,650. But if South Carolina failed to come up to what was hoped for, what must be said of the response of the other States? Tennessee came second with a subscription of $355,400, and Kentucky, which had demanded two extra branches and an elaboration of roads costing at the lowest estimate $4,089,780, and whose Legislature had demanded double the number of directors assigned to each of the other States, subscribed the magnificent sum of $187,100 to the enterprise, $92,000 for one route and $95,000 for the other two. The undertaking could not be fairly considered as in the interest of other than a portion of North Carolina, therefore her contribution of $102,600 was not quite as small as at first it might have appeared: but the subscription of Ohio was farcical; it amounted to $12,200. The total subscriptions therefore fell short by $209,050 of the amount necessary to secure the charters; but this amount Wade Hampton of South Carolina, already a munificent subscriber, made up.[2] It was in all probability about this time that Calhoun wrote the letter to Patrick Noble which appears in the correspondence as edited by Professor Jameson, as of date November 8, 1832, which the

[1] *Courier*, Oct. 19, 1836.

[2] *Ibid.*, Nov. 25, 1836.

context discloses clearly it could not have appeared in, as it relates to events not happening until 1836. After stating that he foresees a great deal of agitation in relation to the railroad, and finding some fault with the Legislature, he says: —

"Let it be fixed that the two routes by the French Broad and Tuckaseege shall be surveyed, and that one which is the shortest, cheapest of construction, of the most favorable grading, and which shall from its direction command the greatest amount of trade and travelling shall be selected and the whole State will acquiesce. Even the selfish would be ashamed to object. I answer for it, that the people in this quarter would cheerfully assent to such a course. It is the only one that can unite all." [1] This is an important letter, and it is a pity he did not live up to the high sentiments here put forth; but before he concludes, he somewhat spoils the effect by directly charging the State Legislature with favoritism to the section north of the Santee and demanding "justice" for the section in which the Tuckaseege route, mainly if not entirely, lay, *i.e.* the section south of the Santee. As we have seen, the amount necessary to procure the charters was secured by the additional subscription of Wade Hampton, and so the first step in the great enterprise was accomplished and time to work out the details afforded; but when the amount of the subscriptions became generally known, the disappointment was keen. It was true that it was positively declared that Governor Cannon of Tennessee would be authorized to subscribe one-third of the cost of the road through Tennessee; but with that the portion through that State would lack from the State something like $1,445,000, and if Kentucky did add to the pitiful sum of $187,100 the $2,000,000 which the press of the State airily promised, yet that would be little more than half the amount she had made essential to get the road through her borders to the Ohio River. To sum the matter up, one-fourth

[1] "Calhoun's Correspondence," p. 321.

of the sum needed had been subscribed, and more than three-quarters of that, by one State, — South Carolina. Eloquent resolutions had been passed in the States of South Carolina, Ohio and Indiana *apropos* of the road and the Union. In spite of nullification, South Carolina had subscribed $3,343,200 and Ohio $12,200, which was increased to $22,200 when it was found the amount necessary had been subscribed to enable two of her citizens to qualify as directors. If it be true that "money talks," there was not much talk of the Union north of the Ohio at this time. It was in this condition of affairs that the thoughts of the citizens of Charleston turned to the project of a bank, to assist the enterprise; but in addition, at the meeting, where it was determined to apply for such, it was also decided that the Legislature be invoked "by every consideration of patriotism and duty, to resolve in the name of the State, in no event, to suffer the work to fail; but to be prepared to do whatever may be found necessary to insure its success." [1] A strong committee, consisting of Robert Y. Hayne, Charles Edmonston, Ker Boyce, James Hamilton, J. L. Petigru, A. Blanding, Wade Hampton, Thomas F. Jones and W. F. Davie, was appointed to carry into effect such measures as, in their opinion, might be necessary to insure the success of the road, and then those interested waited developments. On November 28, Governor McDuffie sent in his message to the Legislature, and that portion of it which dealt with the railroad was a powerful argument against it, as chartered. Indeed, the contrast between the mordant logic of its crisp sentences, with not an unnecessary word, its pitilessly just analysis of the result and the rather extravagant expressions in other parts of the same paper, wherein appear bombastic references to the achievements of Xerxes, etc., almost suggests the revising hand of Calhoun, with regard to the portion of so much interest to him. Calhoun was at the capital, and a letter from

[1] *Courier*, Nov. 25, 1836.

him on the eve of his departure gives views which are strikingly in accord; but before quoting from this, the message should be discussed. The Governor advised: "Until the route shall be definitely selected and active operations commenced, the emergency does not seem to call upon the States interested to embark in the work as stockholders. Moreover, there are some considerations growing out of the mode of constituting the Board of Directors, prescribed by the charter, as amended by Kentucky, and the relative sums subscribed in the different States which renders it a measure of obvious prudence on the part of South Carolina to procure a modification of the charter or to make a conditional subscription. The act of incorporation passed by this state provided that 3 out of 24 directors should be chosen from qualified stockholders residing in each of the States of North Carolina, South Carolina, Tennessee and Ohio, and that 9 should be chosen from all the stockholders. The amendment interpolated by Kentucky provides that 6 of the directors shall be chosen from stockholders residing in that State; while only 3 shall be chosen from each of the other States, leaving but 6 to be chosen indifferently from all the stockholders. This very exceptional claim of undue power on the part of Kentucky becomes absolutely revolting when we advert to the fact that the entire subscription in that State amounts to less than $200,000, and that no person there has subscribed a sufficient number of shares to qualify himself to be chosen a director. In this state of things a board of directors cannot be organized, and if it could, Kentucky, with less than a twentieth part of the stock, would wield one fourth part of the power of the company. On the contrary, South Carolina, owning five sixths of the stock, could in no event have more than 9 directors; while the holders of one sixth, out of South Carolina, shall have 15. This is certainly an unprecedented anomaly in the organization of corporate powers, and I think the people of South Carolina have been sufficiently

admonished, by bitter experience of the fatal consequences of having their interests controlled by a foreign and irresponsible power, to make them very cautious in placing the power on one side; while the interest to be affected by it is on the other. . . . Upon every principle the road should commence at Charleston and proceed continuously on towards its Western termination, at least until the money contributed in South Carolina shall be expended. And yet, it will be in the power of directors out of the state to reverse the operation. . . . There is no practical view of the subject that can make it the interest of the company or the great public concerned in the contemplated work to cover Kentucky with railroads for the privilege of passing through the State. If the road goes to the Ohio river, some one point should be selected, and as Ohio has contributed almost nothing, it would be much wiser to carry it directly to Louisville, leaving Cincinnati out, if a branch to Louisville is the only condition on which we can obtain the privilege of passing through Kentucky. There is another alternative preferable, in my opinion, even to this. It is to make the mouth of the Nolachucky, the Western termination of the road, which, according to the estimate, will reduce the cost from 12 to 5 million dollars." [1] Then, taking up the suggestion of banking privileges, the message combated the grant strongly and warned the body of an impending financial crisis. Altogether it was a profoundly impressive argument against the plans of the Charleston meeting and, considered from the practical view concerning a commercial undertaking, almost unanswerable. That Hayne was able to reform his broken line in the face of this fire is an indication of his phenomenal talents as a constructive statesman and leader of men. While McDuffie's message was, then, a very great State paper, there was not in it the slightest gleam of interest in any attempt "to mould into one common brotherhood the now estranged and

[1] *Courier*, Dec. 1, 1836.

almost alienated inhabitants of our widely extended Republic." That this was a live and vivid interest to a considerable portion of South Carolina subscribers was not to be doubted; while to the dauntless spirit at the head it was the reason of reasons why the road should be pushed through, in spite of every obstacle. Truly, then, the situation was a difficult one to handle. Suppose it was admitted that the cost of the road to the mouth of the Nolachucky would be but $5,000,000, what was the assurance that that amount could be raised? The total amount subscribed by North and South Carolina was $3,445,800, and of this $209,050 had been subscribed distinctly to secure the charters for the enterprise, as originally designed, a road from Cincinnati to Charleston. That certainly could not be expected to be renewed for something so different, and if not that, how much of the remainder, when it was announced that the plan as originally contemplated was abandoned? Even an influence as great as Calhoun's had been powerless to change the route before, because it was the connection between Charleston and Cincinnati that stirred the popular heart, and for it the charters had been obtained. Something like a million would probably be forthcoming from Tennessee, and if Kentucky gave the two millions which the press of the State promised, with a million from the State of South Carolina, two-thirds of the estimated amount would be subscribed for, with the banking privileges to supply the rest. Business men of tried ability thought well of the plan, and it had to be adopted, or the project fall through; therefore there was no disposition to accept the conclusions of the Governor; but on the other hand to hold as closely as possible to the original plan. It is apparent that every concession which could be made to placate Calhoun was attempted which in reason could be offered; but from his own letter nothing but an unconditional surrender would have availed. The terms with which alone he would have been content were extravagant to a degree, and the

suspicious temper which his letter reveals could not have failed to have provoked discord had he been chosen as the head of the enterprise. A letter written upon the eve of his departure indicates with what lack of temperance Calhoun regarded a difference of opinion with him. The letter is dated from Columbia, December 9, 1836, and is to James Edward Calhoun, whom he desires to go to Knoxville "to see what is going on." Speaking of conditions in Columbia, he says: "I fear the game is in the hand of Blanding, and that the enterprise will be so managed as to sink millions without any substantial advantage to the State. The push at this moment is to get banking privileges, and a subscription on the part of the State, without waiting the Surveys. The object is to commit the State so that she cannot recede, let the selection be ever so objectionable. I fear both objects will succeed; and if they should, that the whole concern will terminate in little better than a stock jobbing affair. Williams is here, and I hear that the survey has been recommenced since I left home. I have no confidence in his impartiality and but little in his judgment. The route he has ordered to be surveyed on the east side of the gap is calculated to deceive, unless one should fully understand the topography of the country. . . . The elevation of the gap is probably greater than I estimated it; but unless it should exceed 1500 feet above the mouth of 12 miles, after taking off the crest by a tunnel, which is not likely, the whole may be run down at an angle not exceeding 30 feet to the mile, by keeping along the side of the Chatugee Mountain, round the North fork of the Cheochee, passing down near to Tomassee and on the ridge between Cane creek and Little river, and crossing the Keowee on a high bridge below the mouth of 12 miles. . . . All I ask is an impartial survey, when I am at home and can attend to it. . . . As to the Presidency [of the railroad], I see so much that I do not approve, that I have concluded that I had better have nothing to do with it. The only terms on

which I could accept would be that it should be tendered to me without solicitation by the company from a confidence in my capacity and integrity, and then only on condition that the best route should be selected, and I should not be brought into conflict with any of my friends. In a word, if I take it, it must be solely from a sense of duty. I cannot think there is the slightest prospect that it will be tendered on such conditions, and my friends had better not bring my name forward. I read my letter to Hayne on this subject to Burt. . . . The more I reflect, the more I am convinced that the success of the road will depend on the direction, and that on striking Steam navigation on the intermediate streams between the Blue Ridge and the Ohio at the nearest and most favorable parts. . . . Any route that overlooks this important advantage must fail." [1]

From this letter it is apparent that Calhoun's ideas concerning the great project were, first, that it should mark time until he could get through his duties at Washington and return to South Carolina; second, that, while he was willing to direct it, he would only do so if all responsibility were eliminated and he was promised not only that the best route should be selected, but he should be assured that he would not be brought into conflict with any of his friends. Reflecting upon the judgment and impartiality of the engineer, he yet indicated that something had induced him to realize that the estimate with regard to which he had found himself in opposition to this official was incorrect in some particulars, as it was shown later to be in almost all. It would be difficult to obtain a greater contrast between the attitude of two great public men concerning great public measures than that which this letter portrayed and the spirit which animates Hayne's inaugural upon his resignation of the senatorship. Upon the day following Calhoun's departure, a meeting of the stockholders of the road was held in Columbia,

[1] "Calhoun's Correspondence," p. 365.

and Edmonston moved the appointment of a special committee to confer with the Legislature concerning the bank and for a liberal subscription. Judge Colcock spoke in opposition, being replied to by Blanding, Ker Boyce, Memminger, Elmore, Jones, Mills and others, and Edmonston's resolutions were carried without a dissenting voice.[1] The act of the Legislature as it was finally framed, met all the difficulties of the situation, the charter being amended by a provision "that three out of the twenty-four directors of the said company shall be elected from the stockholders residing in each of the States of Kentucky, Tennessee, North Carolina and South Carolina, and twelve of the said directors may be elected from the stockholders at large, without regard to their place of residence. That the said Railroad Company shall be discharged from all obligation to construct any branches of the said Railroad in the State of Kentucky, or to extend the main road in the said State further than from the southern line thereof to Lexington in the said State. That whenever it shall be the unanimous vote of the general directors residing in any State requiring it, the general board of directors shall apply the amount subscribed by that State or its citizens in the first place to the construction of such portions of the said road as may be within the limits of the State. In case the State of Kentucky should not agree to the amendments above proposed, the said Railroad Company shall be and hereby is constituted a body politic and corporate in the States of South Carolina, North Carolina and Tennessee, with all the powers, rights and privileges granted to it by the Acts of the Legislatures of the last mentioned States incorporating it, discharged from all obligations to construct any road in the State of Kentucky, or to have any resident directors therein or to have more than twenty-one general directors; but nothing herein contained shall be construed to release the said company from the obligation to extend their road to the southern

[1] *Courier*, Dec. 13, 1836.

boundary of Kentucky." [1] In addition to the passage of this act, which fairly met and answered the Governor's very powerful assault, without capitulating to it entirely, very liberal banking privileges were granted against his advice, with restrictions and conditions that the capital of the bank should not exceed $6,000,000 until the road should reach the Tennessee line; nor $9,000,000 before it touched the boundary of the State of Kentucky; whence, as it proceeded to Ohio, the amount could be raised to $12,000,000. Preston was reëlected to the Senate by practically the entire vote of the State Rights faction; but among the few votes cast in opposition was one for Calhoun. As Calhoun was at the time a Senator, one wonders whether this vote was an exhibition of Petigru's sarcasm. In the caucus of the State Rights party, with regard to the election of President and Vice-President of the United States, the names of Van Buren, Harrison and White were all three brought forward. The first received not a single vote, the second one and the third not sufficient to make him the choice of the faction, and with ill-becoming levity it was decided to vote for Mr. ——, of Charleston, for President, and John Tyler for Vice-President. The somewhat questionable humor of this selection seemed to appeal with less force to the members of the faction at the time of the vote, and Mangum, of North Carolina, and John Tyler became the choice of the State. In the election which followed, Harrison developed unexpected strength, carrying the States of Vermont, New Jersey, Delaware, Maryland, Ohio, Indiana and Kentucky, White securing only two, Tennessee and Georgia, while Webster and Mangum each carried but one; Van Buren, however, obtained a considerable majority over all in the electoral college.

[1] Statutes So. Ca., Vol. 8, p. 431.

CHAPTER IV

MEMMINGER SECURES THE ACCEPTANCE BY NORTH CAROLINA OF THE AMENDED CHARTER FOR THE ROAD. ANONYMOUS ATTACK ON ROAD IN MERCURY. HAYNE'S REPLY. SUSPENSION OF SPECIE PAYMENTS BY NORTHERN BANKS. ACTION OF CHARLESTON BANKS

THE year 1837 opened with a determined and intelligently directed effort to pull the railroad project into proper shape with the change of front made necessary by the slight support outside of South Carolina and the powerful criticism contained in McDuffie's message. By the amendments to the charter every objection urged by the Governor had been reasonably met; but the task was now to get the States of North Carolina, Tennessee and Kentucky to accept the changes. For this work C. G. Memminger was appointed and empowered by the newly elected Governor, Pierce M. Butler, to appear before the North Carolina Legislature and lay the matter before that body. It would have been difficult to have made a better selection. Memminger was no longer the young and aspiring lawyer whose candidacy for the position of Attorney-General of the State, just prior to nullification, had so shocked the conservatism of the Charleston press. He had made his influence felt not only at the bar, but in the legislature, and in a new field it was now to be exhibited. The North Carolinians were not very friendly to the project. With regard to it, as originally planned, Governor Swain had promised that, if North Carolina did not aid, she would not oppose. She had aided with a small

subscription. Having done so, she was now asked to grant privileges to an alien corporation. The Speaker of the North Carolina House of Representatives, Haywood, an able man and leader of the Van Buren forces in the State, was opposed. The vote of South Carolina for Mangum of North Carolina was declared to be an intrusion by South Carolina into the politics of North Carolina, and, by a vote of 24 to 22, the Senate refused to grant the banking privileges. The fight seemed lost, but by a vote of 24 to 21 the vote was reconsidered[1] and Mr. Memminger accorded the privilege of addressing the joint assembly. The North Carolina press was, in the main, against the grant, on account of nullification. The *Raleigh Standard*, voicing the views of the opposition, in the following publication: "In the hands of patriotic friends of the Union — and none are patriots who are otherwise — it might be productive of all the good that its warmest friends desire. But if it fall under the control of disappointed ambition and aristocratic pride, how long could the people resist its overwhelming and corrupting influence?" Special objection was made to "the Calhouns, the McDuffies and the Hamiltons."[2] Speaker Haywood exerted himself to the utmost, but Memminger's clear and forceful utterance, supported as it was by members of the body, carried the measure through by a vote of 53 to 49 in the House.[3] His luminous discussion reveals his perception even then of the great possibilities of the cotton manufacturing industry lying dormant, but later to grow to such astonishing dimensions in that very region. He declared that the banking privileges were absolutely essential to the construction of the road. Following close upon this victory, the stockholders met at Knoxville, and R. Y. Hayne was unanimously chosen president of the Company. In the language of the correspondent of the *Courier:* "Indeed no other gentleman appears to have been thought of — all eyes were turned to him as identified

[1] *Courier*, Jan. 11, 1837. [2] *Ibid.*, Jan. 18, 1837.
[3] *Ibid.*, Jan. 17, 1837.

with the road and giving the greatest confidence to the stockholders." [1] The French Broad River route was definitely chosen. From South Carolina the 9 directors selected were R. Y. Hayne, James Hamilton, Charles Edmonston, Mitchell King, B. F. Elmore, Abraham Blanding, John C. Calhoun, John W. Simpson and Robert G. Mills. From Ohio the three chosen were E. D. Mansfield, William Green and Joseph Bonsal. From Kentucky there were 6, Robert Wickliffe, W. H. Richardson, James Taylor, J. W. Tibbatts, J. B. Cary and J. L. Ludlow. The 3 from Tennessee were John Williams, J. G. M. Ramsay and Alexander E. Smith, while F. E. Hardy, Thomas J. Forney and Benjamin Roberts represented North Carolina. The total amount subscribed was $4,333,200, paid up, on the 5 per cent instalment, $218,660, of which South Carolina's share was $3,525,100 subscribed and $176,255 paid in, so that, contributing over six-eighths, she contented herself with but three-eighths of the board, yielding one-eighth to each of the States, North Carolina, Tennessee and Ohio, and two-eighths to Kentucky. It could not be denied that the nullifying State was acting most liberally. Major McNeill was appointed Chief Engineer, and Captain Williams, Associate. The latter, who had been assisted by Lieutenant Drayton and Mr. Featherstonaugh, reported exhaustively on the route sprung on the Company between meetings by Calhoun and Gadsden, which was shown to have an absolute rise and fall in 30 miles of 5159 feet to 1294 along the French Broad valley.[2]

Hayne did not attend the meeting at Knoxville, at which he was chosen president of the Company, his duties as Mayor of Charleston keeping him too closely occupied. At his recommendation many useful improvements had been undertaken, among which may be mentioned the purchase of the lots and continuation of the Battery around the south side, as a public walk, constituting what is now

[1] *Ibid.*, Jan. 25, 1837.

[2] *Ibid.*, Jan. 27–30, 1837.

known as White Point Garden, prior to that time the promenade having been confined to the eastern side. A call for subscriptions to 8000 additional shares of the South Carolina Canal and Railroad Company, promptly oversubscribed, made about this time, directs attention to the Company's reply to the invitation of the Louisville, Cincinnati and Charleston Railroad to unite with it at Columbia or any other point on the charter limit. The South Carolina Canal and Railroad Company offered to construct a road from Branchville to Columbia, having the same stability and permanency as the road above Columbia, and that the same should be completed and put in full operation as soon as 100 miles in a continuous line should be made and put in operation by the Louisville, Cincinnati and Charleston Railroad Company above Columbia.[1] This seems to have been the wisest way in which the great project could have been worked, and had it not been for the war, which was conducted from within against the French Broad route, very probably would have been adopted; but with the hope of ending this, the much more expensive plan of purchase was later entered into, as will be shown.

A public dinner offered Senators Calhoun and Preston, upon the end of the session of Congress, indicated considerable irritation at the defeat of Congressman Pinckney, still glowing in Charleston, the *Courier* declaring that his defeat "was only effected, and even then with great difficulty, by a combination of those who disapproved of his conduct with those of the Union party who, while approving of Mr. Pinckney's course, yet from party or private considerations preferred the eloquent and talented Legare, who is not only a Unionist and friend of the present administration, but is believed not to differ from Mr. Pinckney in his view of the proper mode of meeting the Abolition question in Congress." [2] The dinner was held, Mayor Hayne presiding; but it was immediately

[1] *Courier*, Nov. 24, 1836.

[2] *Ibid.*, Feb. 15, 1837.

followed by a Pinckney dinner, which was in many respects a peculiar demonstration. While few if any men of great prominence attended, it was a large and enthusiastic gathering, and the second toast breathed revolt. It ran as follows: "The Right of Individual opinion — Inestimable to freemen — formidable to tyrants only — The patriots of the revolution died to acquire it — We can never live to abandon it." [1] Theoretically this was fine, but when, later in the festivities, William Drayton was extolled, for the loss of whose seat in Congress and the impairment of whose right to express his individual opinion Pinckney was probably more responsible than any individual in Charleston, an element of the grotesque was introduced. Nevertheless, it was an illustration of an effort to shake off that iron grasp which was fastening on the politics of South Carolina. Meanwhile, so well had Hayne conducted the affairs of the city that great pressure was brought to bear upon him to induce him to stand for reëlection. His legal practice must have been impaired, if not entirely destroyed, by his long connection with public affairs. His property must have been modest and his expenses not small, making the salary an inducement, and there was interesting work to occupy him; but to him the great Western Railroad project meant much more than a great industrial work. To him it appealed as the salvation of the State and the preservation of the Union. This last he firmly believed to be threatened by the Abolition movement, into which the aged ex-President John Quincy Adams had flung himself with all the ardor of one released from all earthly ties and fanatically devoted to an ideal long smothered by policy and personal ambition. The times were threatening, and Hayne, having been elected to the position of president of the Western road, determined to bend every energy henceforth to that one task, accordingly declined the reëlection to the mayoralty. Yet the mood in which he undertook

[1] *Ibid.*, April 10, 1837.

the stupendous task of binding together, in that day, the alienated sections of the Republic by an iron highway for commerce moving through, in some places, untrodden regions, could hardly be described as sanguine. Rather was it the spirit in which he had, at the call of his State, resigned his seat in the United States Senate, to accept the perilous position and heavy responsibilities of Governor during the nullification period. In declining the reëlection to the mayoralty, in regard to the Railroad he said: "I feel in devoting my best efforts to the advancement of so great a work I am rendering the highest public service in my power. I shall enter upon this duty with the firm resolution to secure success, if success be practicable and, at all events, to make such efforts as shall relieve myself, as well as the people of this city and State, from any imputation, should the work be destined to fail." [1] The panic of 1837 had begun to be felt, but that did not obscure his clear, practical view of the situation, as was evidenced by his accurate analysis of that trouble. "More than half of the difficulties under which the country now labors," he said, "arise from want of confidence in ourselves and our resources, which, leading to corresponding efforts, would be the most effectual remedy for existing evils. But, however that may be, I am not disposed to relax in any degree my efforts to advance the Railroad, from any apprehension of the difficulties which may lie in the way."

Those difficulties now arose in every direction. The banks of New York, Philadelphia and Baltimore suspended specie payment, and President Van Buren issued his proclamation convening Congress in the following September.[2] In every quarter was confusion, irritation, fault-finding and abuse. Ex-Senator Smith, nominated by Jackson for the Supreme Bench and confirmed by the Senate, had declined the honor in a letter which about this time reached the public, and which, while wittily ridiculed by the *Mercury*, was

[1] *Mercury*, May 15, 1837.

[2] *Courier*, May 23, 1837.

a forceful utterance. "His political infirmities," which that paper gave as the reason, was not entirely inaccurate; for he had based his declination on his desire to continue fighting for his ideals; but for Smith to extol Pinckney's Abolition resolutions, as he did in the Alabama Legislature, was indicative of something which could not be so described; for to Pinckney, more than any one save the two individuals who at different times had supplanted him in the Senate, Smith owed the loss of his seat; as, against him and in behalf of Calhoun, the columns of the *Mercury* had ever been directed by Pinckney as editor. To meet the difficulties and dangers of the financial situation, meanwhile, a meeting had been called in Charleston and a committee, of which Mayor Hayne was a member, appointed to consider and report. The report was most encouraging. Without a single exception, the Charleston banks were found not only solvent, but in a highly prosperous condition; and notwithstanding the continued demand for specie, by which large amounts had been withdrawn, there remained in the vaults $1,096,786.50 in gold and silver, to which, they reported, might be added a large amount of public stock equivalent to specie. The total amount of their notes in circulation was found to be at this time $3,501,619.88; assets, $17,858,091.03; assets beyond all liabilities, $7,864,113.40; surplus and clear profit, $832,794.92. The committee, however, reported that the suspension of specie payments by the banks of New York, Philadelphia and Baltimore would soon drain this "if our banks continued to redeem their notes in specie." It was therefore advised: "1st: That the notes of each bank should be freely received by every other in deposit and payment of debts. 2nd: That each bank should lay before the others a weekly statement of their transactions. 3rd: That weekly adjustments should take place of the balance due by the banks to each other. 4th: That during the suspension the issue of banks be confined within narrowest limits consistent with wel-

fare and wants of community, and with a view to the resumption of specie payments at an early day." [1] The banks having cheerfully agreed to these conditions, it was resolved to suspend specie payments temporarily, to protect the Charleston banks from the inevitable result of the suspension of the banks elsewhere; but to pay bills of $1 and $2 of the Bank of the State and so much specie (especially in small change) as the public might require. A correspondent from New York, after giving a gloomy picture of conditions there, claims this proceeding in Charleston, probably the first attempt at a clearing house, had raised the credit of Charleston and the State, but he warns the public of further trouble from the operation of English bankruptcy laws. We have seen that in his declination to consider a reëlection to the mayoralty and his determination to devote all of his energies to the railroad, to the presidency of which he had been elevated without a dissenting voice, Hayne had declared that "half our difficulties arise from lack of confidence." The change in charter which had become necessary had been accepted by North and South Carolina, and the tactful surrender to Kentucky by South Carolina, with regard to the number of directors at the expense of South Carolina, had, it was reported, brought about the acceptance by that State of the alteration in the original plan, comprised in the substitution of a road simply to Lexington, in place of the network of roads over Kentucky, branching from Lexington to Cincinnati, Louisville and Mayesville.[2] It remained, therefore, to obtain the consent of Tennessee and Kentucky to the banking privilege grant and to finish the survey of the route between Branchville and Lexington, Kentucky, a line of about 500 miles, when the work of construction could commence. Major McNeill and his assistants had been in the field but a few months, plodding through untrodden forests and over great mountains and crossing wide and rapid rivers, far

[1] *Courier*, May 18, 1837.

[2] *Ibid.*, Feb. 25, 1837.

from anything approaching civilization, in many quarters. For the times it was a most stupendous work they had in hand, and it was most essential that before any step should be taken the most thorough information should be at the disposal of the Board of Directors, especially in the light of the disturbed financial condition of the country. Yet this was the time selected by an anonymous correspondent for a venomous assault upon the personnel of the enterprise. Writing under the *nom de plume* of "Many Stockholders," this individual attacked with insinuation and innuendo the president of the company and the engineers. The tone of the communication was rancorous, the style that of one unused to epistolary labor, but well versed in engineering work, especially that which had been done for the General Government. Appearing in the *Mercury*, it ran as follows: "Many Stockholders in the Charleston, Louisville and Cincinnati Railroad, in their individual right as well as in the right of others whose interests they guard and represent in said company, are desirous of ascertaining from the President and direction what arrangements have been consummated and what contracts, if any, have been made with a chief engineer, with a view to the survey in contemplation for the present season. It is well understood that the officers of the Company, including the Engineer department, have been selected; but it is equally notorious that the subject of their compensation (which should have been settled on selection) has been left an open one, and that in accepting and entering on duty (as the direction failed in fixing the salaries they deemed adequate), exactions for themselves, on the part of the chief and associate Engineers, have been made and listened to by the President and Board; while to the chief Engineer (with most extravagant pretensions) has been given full authority to compensate his subordinates as his judgment may direct. All threatening (for want of previous understanding and arrangement) collisions which ought to have been avoided by those entrusted

with the administration of our affairs, or the necessity of yielding to most extravagant extra expenditures, which no company, however liberal its views or large its funds, can ever long sustain. The reconnoisances and surveys should constitute an inconsiderable fraction (a cipher) in the mass of unavoidable expenditures for grading and construction; but if a chief engineer, for mere temporary services, who acknowledges a superior allegiance elsewhere and that he can bestow on the road only an inspective supervision, is to receive $20,000 per annum for such occasional services, his associate about half that sum, and the President and division subordinates (on whom, however, it seems by this organization the laboring oar is to fall) in proportion, we would ask what relative amounts must be awarded the superior officers of the company and how much of the 5 per cent paid of the subscription will be left in the Treasury at the close of the year, when such unprecedented salaries are submitted. . . . The Charleston, Louisville and Cincinnati Railroad originated as it was generally supposed in high and patriotic sentiments, and it was the impulse of those feelings which impelled many individuals to take a deep interest in a project involving so many commercial and political considerations, and even to embark sums beyond their ordinary means. They still confidently hope that, like other projects, this magnificent one will not be paralyzed by humbuggery and mystification and that the contribution of generosity and high wrought feelings *will not be converted into a purse to be scrambled for.* What would have been the fate of the Hamburg and Charleston Railroad, that proud monument to the enterprise and disinterestedness of our citizens, if pretensions for salaries so disproportioned to services rendered had then been preferred and submitted to . . . If an Aiken and a Horry had not volunteered personal services without compensation and advanced pecuniary means with but a distant hope of remuneration?" [1]

[1] *Mercury*, May 31, 1837.

Alluding to the compensation of Allen and his assistants, and citing Bernard as having done unremitting work by day and night for the General Government at not much more than $4000 a year, and declaring that with but little more than that the exclusive services of practical and successful men could be commanded, the writer warns the public we are approaching a time which enjoins economy, etc., subscribers may withdraw, States may refuse to grant the banking facilities and: "To the road and its accomplishment, if we would direct our means, we must hold our agents responsible for the manner in which they apply them."

While containing some criticism which might have been productive of good, if put more fairly, the tone of this piece was so ill-natured as to be injurious, and Hayne realized it must be answered at once. Not having attended the meeting at which the engineers had been selected, and knowing that as president he had had nothing to do with the choice, he not unnaturally assumed that they had been chosen by the company, which he later corrected, when informed that their selection had been made by such of the Board as were present at Knoxville. With regard to salaries, however, he stated definitely that they were not as it had been insinuated; that no final arrangements had been made with the chief engineer, while the president had not cost the company a cent. To this he added: "The President will here further state that while he has felt himself constrained to accept the office from an assurance that no other arrangement satisfactory to the stockholders generally could be made, he shall be ready to surrender this trust, on the slightest intimation that he does not enjoy their entire confidence. With regard to compensation, he is perfectly willing to leave it to the company to say whether he shall serve them gratuitously or otherwise." Continuing, he deprecated the indulgence of a captious spirit calculated to add to difficulties by exciting distrust, as nothing could be easier "in the present circumstances of the

country" than "to shake public confidence in any great work." While realizing the possibility of failure, in view of the wrecks in every direction, he asserted: "We have so far, however, advanced prosperously, and our present condition is peculiarly fortunate. The objectionable provisions introduced by Kentucky into the charter have been repealed by her Legislature, and the amendments proposed by South Carolina adopted." He defended the use of the most skilful and experienced engineers, and thought the time they must take would enable the country to recover from the embarrassment then noticeable. He argued that with two-thirds of the cost of the road through Tennessee pledged by that State, and one million dollars subscribed by South Carolina, in addition to the four million already subscribed with the banking privileges, there was a reasonable prospect of success, and expressed the hope that "no premature abandonment, no jealous spirit of distrust, but above all, no groundless imputation of unworthy motives, will be allowed to disturb the harmony, defeat the efforts and paralyze the energies, on which the success of the work entirely depends."[1]

So unfair was this attack deemed, that the *Mercury* stated it would depart from its usual custom in refraining from comment on such publications, to declare itself not in sympathy with the article which it believed expressed not the view of "many stockholders," but that of only one person of importance, and that in the opinion of the paper, "Hayne's relinquishment of his station would be the most fatal blow to the prosperity of the company."[2]

"Many Stockholders" continued his articles, to which there were replies by others; but as, from every quarter, at this time encomiums were being pronounced upon Hayne's management of the city in which he was described as "from earliest dawn until night examining with his own eyes the public works and seeing that

[1] *Courier*, June 2, 1837. [2] *Mercury*, June 3, 1837.

the city officers did their duty," in the effort to get him to reconsider his determination not to stand for reëlection, it was difficult to work up an opinion in opposition to the practically unanimous declaration that "the retirement of such an official would be a public loss." [1] Yet within a month or two there comes a fresh cry from an anonymous source that "it is not yet too late to recoil from the false position and unite in the accomplishment of a road half finished." [2] And it was apparent that, with the elimination of the Tuckaseege route, by the report of the engineers demonstrating its impracticability, secret influences were again at work, if not for the Georgia road, at least against the French Broad route.

[1] *Courier*, June 10, 1837. [2] *Ibid.*, July 8, 1837.

CHAPTER V

MEETING AT CHARLESTON TO DENOUNCE BANKS CAPTURED BY OPPONENTS. REVEREND FISKE THREATENS BLOODSHED IF HAYNE PRESIDES. HAYNE PRESIDES AND FISKE IS STRUCK. EX-GOVERNOR WILSON AND WADDY THOMPSON CRITICISE THE CHAIRMAN. HAYNE'S TERM AS MAYOR ENDS SUCCESSFULLY. DIVISION IN CONGRESSIONAL DELEGATION FROM SOUTH CAROLINA. PETIGRU A FALSE PROPHET

WHETHER caused by the inconveniences arising from the panic or having much deeper root, there grew up in the State of South Carolina, in this year of 1837, a feeling of great hostility to the national bank and to some extent to banking in general, among the rougher classes, and in July a meeting seems to have been called in Charleston to fulminate against them. Just what connection H. L. Pinckney had with this, it is difficult to understand. It seems to have been expected he would preside; but he decided not to attend. He was a candidate for the mayoralty, which would soon be vacated by Hayne, and probably looked in the main for his support from the masses of the voters rather than from any persons of property. The Reverend Theophilus Fiske was to have been the orator of the occasion, and did indulge in some very remarkable utterances for one of the cloth; but the meeting was not carried out as designed. What was styled the respectable portion of the community took charge, installed Mayor Hayne as chairman, hissed down the orators of the populace and made the meeting the opportunity for the declaration of their own sentiments. With regard to the action of Mr. Alfred Huger, in taking occasion to express his views most forcibly by word of mouth, in opposition to

the callers, it is impossible not to sympathize, for he was meeting boldly in the open, face to face, some whom he probably had good reason to suspect guilty of breaking into the post-office, for the care of which he was responsible, two years previous. The attitude of Mr. Petigru, also, was in accord with his publicly announced views throughout his political life; but the fact that Fiske, no matter how incendiary his language, should have been struck at a meeting over which Robert Y. Hayne presided, was not to the credit of that distinguished South Carolinian. The fact that there had been objections urged against Hayne's taking the chair, and at first he had declined to do so, made it the more incumbent upon him to see that all entitled had a hearing. The declaration of the Reverend Theophilus Fiske, that if he assumed the chair there would be bloodshed, was just the argument best calculated to cause Hayne to assume it; yet there is no denying that it is the duty of the chairman to secure a hearing for the speakers, or yield his position to one who can. It may be that the chairman was not aware of the incident at the time of its occurrence, and, if the Reverend Fiske was threatening if the mayor of the city dared to preside at a meeting, there would be bloodshed, he is not entitled to much sympathy for being stricken; but as all accounts in the press were published by papers out of all sympathy with Fiske and his friends, among whom was ex-Governor John Lyde Wilson, who criticised the mayor very sharply for the occurrence,[1] alluded to also by Congressman Waddy Thompson a little later as discreditable, we are forced to conclude that, upon this one occasion, Hayne failed to rise to that height of impartiality which was so habitual with him, and which was one of the most distinguishing marks of his high character. This same bank question was responsible for a difference of opinion, which now began to appear between Calhoun and his senatorial colleague, Preston, which from his comments at the opening of the

[1] *Courier*, Aug. 2, 1837.

session seemed to him then quite natural. "I go against the chartering of a United States bank or any connection with Biddle's or any other bank. . . . My colleague, as I understand him, goes for Biddles' bank, and will probably take a portion of the Representatives with him. Like divisions will probably run throughout all the States, and I would not be surprised if an entirely new organization of parties should arise out of the present state of things." [1] But as the heat of the contest developed, and it appeared patent that every vote would tell, Calhoun, while expecting to win, was somewhat intolerant of opposition to his view, and writes to his daughter at the end of September: "I regret that my colleague has not thought fit to go with me. I think both he and General Thompson have acted badly, but I leave it to them and their constituents." [2] But if Calhoun was now inclined to criticise Preston, he himself did not escape criticism. In a letter falling ten days after the first and thirteen prior to the second, of the above expressions of opinion James L. Petigru gives his idea of the situation from a view at Washington: "I shall hear Mr. Calhoun in the Senate. That gentleman has taken an extraordinary turn, and is going to make a speech to-morrow and it is given out in favor of the Message. All the members of our State will be against him except two, Mr. Pickens and Barnwell Smith, now called Rhett. Nothing can be more monstrous than to support a scheme for doing away with bank paper, and of course with credit, and ruining all who are in debt. It is awful, it is so sudden, and of Mr. Calhoun so unexpected. However, he is to be heard to-morrow, and we shall be better able to judge then what his scheme is, as well as how he defends himself; but at present it appears that there will be a fatal breach between him and his friends in Carolina." [3] In this conclusion the wish was evidently

[1] "Calhoun's Correspondence," pp. 377–378. [2] *Ibid.*, p. 380.
[3] Petigru's unpublished correspondence, Sept. 17, 1837.

father to the thought, and in the letter which immediately follows, even more so: "I have just heard Mr. Calhoun on the divorce of Bank and State; but it is in reality a divorce of Calhoun from his little party and the first step to a union between him and the administration. He made a speech unequal to his reputation; in fact, I think Barnwell Smith will make a better one on the same side." [1] In much of this, Petigru was wrong. The speech was strong enough to bring to the speaker, the State, in spite of the opposition of some of the most influential men in it.

In considering the period of Hayne's administration of municipal affairs, mention should be made of his attitude on, and opinion of, the condition of the free colored people and slaves of that time. It is stated on the authority of an aged member and ex-President of the Brown Fellowship Society of Charleston,[2] that in 1836, a law having been passed, permitting no more than seven negroes to meet together, Mr. Hayne sent for the record book of the Brown Fellowship Society, to which reference has been before made, and glancing over it, expressed his opinion that the law was not intended for such, and that their meetings would be permitted. Be that instance, reported on the strength of the memory of an aged man, correct in all particulars or not, in his valedictory report to Council, Mayor Hayne touched upon the condition of this class, as the following extract from the report printed by order of Council will show: "In reference to our Colored Population, it has been my unceasing effort to improve their condition, and at the same time to enforce an exact, though mild and wholesome, system of discipline. The City Ordinances give great power to the Mayor over this class of people, and it depends in some measure upon the sound discretion, steady firmness and enlightened humanity displayed by this officer in his dealings with them, whether they shall, like the Free Blacks of the

[1] *Ibid.*, Sept. 18, 1837. [2] Thomas McPherson Holmes, born Sept. 13, 1809.

North, become vagabonds and outcasts, or be an orderly, industrious and contented class of productive laborers. No efforts have been spared on my part to break up their connection with the dram shops and gambling houses, which has hitherto been so destructive to their health and morals, and I am truly rejoiced to be able to say that, though much still remains to be done, a great deal has been accomplished in this respect. A few years more of steady exertion, sustained by public opinion, will rescue our slaves from the temptations to which they have heretofore been exposed, and cut up by the roots the infamous practices to which they have so often fallen victims." Continuing, he proceeds to show that all attempts to enforce the laws against dram-shop keepers, gamblers and other offenders, must prove abortive as long as the suburbs are excluded by the city's boundary from the operation of the ordinances, and earnestly recommends the union as essential to the welfare of both city and suburbs.[1] But before passing from this point, it might be well to submit some evidence as to what was the condition of some of the free colored people of Charleston at this time; and reference being had to the very book consulted by Mayor Hayne, the following appears: "Mr. Marchant, Chairman school committee, stated to the President & members that some necessary examinations being required of the children by the committee, he had to defer a report to the next meeting. Mr. B. T. Huger moved that the school committee be authorized to put two of Mr. Gordon's and two of Mrs. Bampfield's children to school as soon as practical, seconded by R. E. DeReef and carried." [2]

Having brought his one-year term of the mayoralty to a conclusion, with a total expenditure of $284,146.69 and a balance in hand

[1] Extract from Report of Robert Y. Hayne, Mayor, dated Sept. 1, 1837. Printed by order of City Council of Charleston, original in possession of Professor Yates Snowden of Columbia, South Carolina.

[2] Minutes of "Brown Fellowship Society," July 7, 1836, in possession of J. H. Holloway of Charleston, South Carolina.

of $7,443.91,[1] in spite of many improvements, leaving the office to be contended for by Pinckney and Lynah, Hayne, with his usual energy, and with the assistance of the railroad only to Orangeburg County, on his way to Flat Rock, North Carolina, to attend the annual meeting of the Western Railroad Company, visited, in addition to Orangeburg, the districts of Richland, Fairfield, Chester, Marion, Spartanburg and Greenville, and from North Carolina wrote Ker Boyce and Hamilton to put them in possession of all the latest information, received, just in time to answer, a four-column communication appearing in the *Courier* in criticism of the French Broad route and laudatory of the Georgia connection, published above the signature of James Gadsden, in which every argument presented by Calhoun in his private and public letters on the subject reappears.[2]

What were the purposes of this inscrutable man?

The political condition was peculiar. On the face of affairs, President Van Buren led one party, to which Calhoun was now lending his support, for doing which H. L. Pinckney had been thrown out of Congress the year previous, and for lack of which his successor would be soon forced out. On the other side stood Clay, obtaining no too cordial support from Webster and a party torn by the Abolitionists into two factions. These seemed to be the leaders; but down below the surface, two former friends were directing the real forces, and with a patient yet fervid zeal warring against each other. The real leaders of the opposing policies of the country were not Van Buren and Clay, but John Quincy Adams and John C. Calhoun. The latter has given his view of conditions as he saw them at this time, and considered in connection with the view of Adams, of about the same time, a powerful light is thrown upon the situation. Writing in February of this year to Hammond, Calhoun says: "We have for the last 12 years been going through

[1] *Courier*, Sept. 1, 1837.

[2] *Ibid.*, Sept. 30, 1837.

a great and dangerous juncture. The passage is almost made and, if no new cause of difficulty should intervene, it will be successfully made. I at present see none but the abolition question, which, however, I fear is destined to shake the country to its centre. It has made great progress since you left us. . . . For the first time the bold ground has been taken that slaves have a right to petition Congress; and what is wonderful, a vote of the House of Representatives has, by a strong implication, sustained the ground which has neither been rescinded nor superseded, and we are about to adjourn, leaving this question, which involves directly the right to emancipate, in this uncertain condition, or rather, to express myself more strongly and at the same time more truly, the act of emancipation; for the right to petition Congress is itself emancipation. . . . Our fate as a people is bound up in the question. If we yield, we will be extirpated; but if we successfully resist, we will be the greatest and most flourishing people of modern time. It is the best substratum of population in the world, and one on which great and flourishing Commonwealths may be most easily and safely reared." [1]

The beginning of this twelve years had marked the parting between Calhoun and Adams, which Adams's elevation to the Presidency brought about. Prior to that, the relation between them had been as cordial as it was possible for two such icy natures to warm to. Adams's tentative inquiries of his friend Calhoun, some six or seven years earlier still, had brought out the prompt announcement that any attempt to interfere with slavery would bring about the creation of two nations with armed forces patrolling the frontiers. While sighing for an individual to "arise with a genius capable" of performing "the duties of an angel upon earth" with regard to the abolition of slavery, Adams had turned to a more practical but hardly as angelic a process of "extirpation

[1] "Calhoun's Correspondence," p. 368.

of the African race by the gradually bleaching out process of intermixture where the white portion is already predominant." The action of his own State, Massachusetts, as indicated by the report of her Legislature, in 1821, concerning the undesirable and injurious colored population, had for a while chilled his zeal, while great official station and responsibility and close intimacy with Clay had checked the growth of ideas on this subject. When, however, in 1833, Clay had made his remarkable about face on the tariff, Adams, in parting company with him, made ominous allusion to slavery in his powerful speech against the compromise. Yet even in 1836 he was prepared to declare that Congress had no right to interfere with slavery in the District of Columbia, and it was Calhoun's opposition to the right of petition that drove him forward so fast that in 1837 he asserted that "the mass of people preferred separation to the annexation of Texas." [1] This, then, was his view at that time. Better the dissolution than any strengthening or extending of slavery. A view certainly easy of comprehension, although historians are accustomed to ignore it. Calhoun's view was not as easy to understand, and was not understood by his most intimate friends or any of his biographers. Two extraordinary letters from him to Duff Green disclose the utter inability of this most intimate friend to divine his chief's plans. Green wished his patron to be either for Van Buren or against him, and if against him, then with Clay or Webster and, upon Calhoun's demurring, on the ground that the abolitionist and anti-abolitionist, the consolidationist and anti-consolidationist could not act together, he intimated that it was personal ambition leading Calhoun to aim constantly at the Presidency and constantly to be defeated. To this Calhoun replied with great dignity and firmness: "I am not of the same party with Webster and others, and do not intend to go into any move that may be controlled by abolitionists, consolida-

[1] *Courier*, Sept. 18, 1837.

tionists, colonizationists. I speak as an individual. If my friends think differently, I shall not complain, but shall regard it as a signal that they are tired of being in a hopeless minority and that it is time for me to step off the stage." [1] To James Edward Calhoun, in the letter to which reference has been before made, of date September 7, 1837, he expresses the belief that Van Buren through "terror of Jackson," has been forced to so act as to afford an opportunity to break "the control which the North, through the use of Government credit, acting through the banks, have exercised over our industry and commerce." [2] This, all along the lines of high statesmanship, does not prevent some pulling of wires. "In the meantime, it is of vast importance that the meeting in Augusta should be fully attended. . . . Abbeville must send her delegates. You and McDuffie ought to be two of them. Let a meeting be called. . . . It is of little importance whether it be fully attended or not." Again, in October, he writes that while he could not get to the railroad meeting at Flat Rock, he understands that the French Broad route has been abandoned, that the intention is to purchase the Hamburg road, unite with the Augusta and Athens to extend their road to meet the Georgia main track from the Suck to the Chattahoochee. "They now take the very route," he says, "which I recommended three years since and which I could not get a single man in Charleston to join me." [3] Calhoun seems in this to be perfectly oblivious of the fact that, whatever he may have "recommended three years since," he had, within a year, to the same correspondent, asserted his belief in " the vast superiority of the route by the Carolina gap"; while with regard to the Georgia route he had learned that the engineers "ordered to survey the route down the Tennessee and thence across to Athens and Macon from the Suck had found the route between the Lookout and Alleghany mountains impracticable which must tend to throw

[1] "Calhoun's Correspondence," p. 376. [2] *Ibid.*, p. 377. [3] *Ibid.*, p. 381.

the Athens and Augusta interest with us." The demonstrated impracticability of this latest discovery of his, the Tuckaseege route, had, so far from settling the question between the French Broad and the Tuckaseege route, as he had claimed to Patrick Noble it would, prior to the survey, so thoroughly that "even the selfish would be ashamed to object," had simply driven him back to the abandoned Georgia route, in opposition to the French Broad. While now rejoicing at what he believed to be the case, he does not forget the question which will arise in the Legislature concerning his position on the divorce of bank and State, and urges his relative "to secure the members of the Legislature . . . influential individuals and McDuffie in particular. . . . He was perfectly sound when I saw him at my house . . . and I hope is still so, but he is liable to be acted upon by men inferior to himself; and I must request you to see him as early as convenient, to confirm him in the faith, if sound, and if not, to bring him right." [1] While the brilliant Petigru was, therefore, prophesying Calhoun's divorce from his friends, the latter was grappling them to himself, if not with hoops of steel, at least with the best appliances he could utilize. From all this it may be inferred that Calhoun's plan was to make the South commercially independent of the North, and to closely connect South Carolina, Georgia, Alabama, Tennessee and Arkansas together by rail, thus uniting South Carolina with Texas, which would practically force into the closest intercourse with the combination Louisiana, Mississippi and Florida. The slave-holding States would then be strong enough to hold their own in the Union or out of it. He was not striving to take them out. He was for the Union, but for a Union in which the South might be commercially independent of the North, — too strong to be interfered with, and with "a substratum of population," "the best in the world." The plan was undeniably the great plan of a great man, and had it not been

[1] *Ibid.*, p. 382.

for the boundless egotism of the great projector, might have produced even greater results than those which flowed from it; but Calhoun never seemed able to realize that men less great might possess greater ability to work out details.

Between these two policies of Adams and Calhoun, absolutely opposed to each other and tending to tear apart the Union, admitted by Adams, if not by Calhoun, stood Hayne with his plan, so grandly simple as to be despised by politicians of the day and which has not yet, and may not for a while yet, be appreciated in all its immense force. Hayne's policy was to knit the South and West together by the indissoluble tie of common business interests. Whether he still believed that from the intermingling of slave and free labor, as he had asserted in the Senate, in 1827, slave labor must become unproductive and gradually pass away, or whether, from intercourse between the sections, less opposition to it would arise, cannot be positively stated, in the absence of any declaration from him at this time, as full as that made twelve years prior to his death, to which allusion has been directed; but that he was directing his efforts to the only mode by the which Union could be preserved and the industrial interests of the South, meanwhile, be prevented from languishing, while the question was in the process of solution, a careful study of his plans, as imperfectly as they must be presented in the loss of the bulk of his correspondence, reveals. Some echoes of Calhoun's declaration concerning the abandonment of the French Broad route must have reached Hayne on the eve of his departure for Nashville, to obtain the consent of Tennessee to the amended charter, containing the concession of banking privileges; and to meet those ill-advised and mischievous statements, directly in opposition to the action of the Board of Directors, for the second or third time, he issued a positive, official denial.

CHAPTER VI

HAYNE'S ARGUMENT IN BEHALF OF THE FRENCH BROAD ROUTE. HIS RECEPTION IN TENNESSEE AND HIS LAST MEETING WITH JACKSON. SOUTH CAROLINA LEGISLATURE SUPPORTS CALHOUN'S ATTITUDE ON DIVORCE OF BANK AND STATE, BUT LENDS CREDIT OF STATE TO ROAD, ON HAYNE'S APPEAL

EVEN with the return to the Ohio subscribers of the $30,200 in consequence of the fixing the terminus at Lexington, Kentucky, instead of Cincinnati, as originally designed, by the subscriptions of the State of South Carolina, the total was raised to $5,280,000, $263,423.35 paid in, of which $64,557.79 had been expended, an amount about double what the survey alone of the Hamburg Railroad had cost, over a flat, easy country, one-fourth the distance, and marked by the hospitable mansions of wealthy planters. From the preliminary surveys of Colonel Gadsden in 1835, to the demonstration of the utter impracticability of the Tuckaseege route in the beginning of 1837, all examinations tended to show the superior merits of the French Broad route. It was the route which almost all had united upon, and without which, Calhoun admitted later, he doubted whether the support of the people of South Carolina could have been obtained, not to speak of North Carolina and Tennessee; yet here was Calhoun, a director, who had not attended the meeting, asserting that it had been abandoned. For the president of the company there was nothing left to be done than to disclose, to some extent, the plans of the company, which it would have been better to have for a while kept quiet. Over his signature,

as president, therefore, Hayne published the following: "In consequence of the extensive circulation of a report that it is the intention of the company to abandon the route through the State and to substitute a route through Georgia, we have been requested to publish . . . the views of the Stockholders, as indicated by the late proceedings at Flat Rock. . . . The measures which it is proposed at this time to pursue may be classed under the following heads, viz.: —

"1st: The purchase of the Charleston Railroad and pushing our connections through that road into Georgia, Alabama and the whole of the Southwest.

"2d: The extension of a branch from Branchville, or some other convenient point to Columbia and from thence, as far as our means may permit by the best route (whichever that may prove to be), through the centre of the State toward the mountains.

"3d: An application to the Legislatures of Tennessee and Kentucky through the President (who had been appointed by the Stockholders a commissioner to those States) for their concurrence in the act granting Banking privileges; and also for pecuniary aid, with a pledge that any amount which may be contributed by those States shall be applied to the construction of the road within their respective limits.

"It will be seen from these statements that no idea exists at this time either of abandoning the enterprise or changing the direction of the road; nor is it believed that a single vote could have been obtained in the Convention for either of these propositions. In relation to the Georgia route, concerning which much has of late been written and published, the present views of the company, as far as I understand them are, that a route through Georgia could not be substituted for one through the centre of South Carolina without producing the following results, viz.: —

"1st: The immediate forfeiture of our charters, both for the

Road and the Bank, and the consequent dissolution of the company. Our charters have been granted by the States of North and South Carolina, Tennessee and Kentucky, and not by Georgia, and they do not embrace a road passing through that State, but through the other States above mentioned.

"2d: But if this were not so, the adoption of a route through Georgia, in place of that proposed across our own State, would immediately alienate from us North Carolina, Tennessee and Kentucky; and we should be regarded as having deserted them on selfish considerations, after making a solemn compact for the execution of a joint enterprise for common objects equally beneficial to all.

"3d: There is every reason to apprehend that a large majority of the people of our own State would be alienated from the enterprise, should the present plan be abandoned and a route through Georgia be substituted in its place, and that the State itself would withdraw the subscription of a million dollars, if it was not to be applied to making a road within our own limits. To whatever extent our Road may be carried, it is indispensable, if we mean to secure the support either of the Legislature or the great body of the people of South Carolina, that the route through the centre of the State should not be abandoned. In conjunction with such a route they may consent to the purchase of the Charleston and Hamburg Road, thus enabling us to push our connections through that Road into Georgia, Alabama and the Southwest; but they will never consent that the resources of the State shall be applied to a road running on the Southern border of the State to Augusta, and at that point leaving our State entirely. The people of two or three Districts might be content with this; but what would the people of the other portions of the State say or do with regard to such a proposition? A road carried through Columbia and from thence by the best route, whichever that may prove to be, to the

mountains, will interest the whole State and, running nearly through the centre, will be within striking distances to the people of every part of the State, who may connect themselves with it by short branches or good turnpike roads. A road on the southern boundary could not possess these advantages.

"Our true policy, therefore, would seem to be this: To avail ourselves of all the advantages to be obtained from the possession of the Charleston Rail Road and, at the same time, to extend a hand from that road to Columbia as the first step. On the Georgia route one link in the great chain has already been made. The Athens Rail Road, with whom it is clearly our duty to cultivate the most friendly relations, will meet us at Augusta, from whence they will construct a road extending to Alabama and Tennessee. All the advantages to be derived from these connections will, therefore, be secured to us through the Charleston and Hamburg Road, which is already made to our hands. But why stop here? Can any one doubt the immense advantages that must grow out of the extension of a branch to Columbia and from thence as far as our means may permit towards the mountains and beyond them even as far as Lexington? It may be said that Tennessee, North Carolina and Kentucky will not aid us in the enterprise. If so, then our road, of course, will not be extended beyond the limits of our own State. But we must wait for their decision on the applications now to be made before we can come to such a conclusion. At all events, let us not abandon them, under the apprehension that they may abandon us. Our true policy under the existing circumstances seems to be very obvious. It is to secure Banking Privileges to the Company, to be used hereafter, when credit shall be restored, to obtain aid from the Western States, if practicable, and if not, to ascertain their views with regard to the execution of the original project; to obtain the Charleston Railroad and make arrangements for extending a track to Columbia. These are the measures

recommended by the stockholders at their last meeting, and in which it is hoped all will cordially concur. Nothing I am aware is easier than to excite distrust, while confidence is not only a plant of slow growth but it may be blighted almost with a breath. It is our determination, however, to go steadily forward with the work committed to our hands, in full reliance that we shall be sustained by the stockholders and Country. Should we be disappointed in this, and a failure shall be the consequence, the fault will not be ours.

"ROBERT Y. HAYNE, President." [1]

Without possibly knowing it, Hayne was now meeting Calhoun's arguments, and meeting them in support of the original scheme, which he proved conclusively must fail, if the vast majority yielded to the trifling minority with which this one director seemed to be in touch. While he was away in Tennessee, the issue on which the Congressional delegation from South Carolina had divided was being thrashed out in the Legislature of that State, and with superb confidence Calhoun awaited the result. That Hamilton, who had led South Carolina up to nullification, under his guidance, should be against him, did not give him the least anxiety. That the brilliant Preston, who had been his mouth-piece during that stormy epoch, was also now arrayed in opposition, disturbed him not at all. But when, like a flash from the past, a publication in opposition to his views appeared over the signature of Langdon Cheves, some uneasiness was felt by the one paper among the members of the daily press of the State which gave him support. The *Mercury* was disturbed by Cheves's argument,[2] but recovered confidence quickly, and then, last of all, the name and fame of the dead Lowndes was invoked [3] against the policy of his quondam

[1] *Mercury*, Nov. 10, 1837. [2] *Ibid.*, Nov. 16, 1837.
[3] *Ibid.*, Nov. 16, 1837.

friend, Calhoun. Time had, however, at last destroyed the power of that name, and a new generation had been coming forward, to whom it was but an echo of the past. But if many who had been for him in the past were now against Calhoun, not a few who had been against him were now for him. Albert Rhett led the fight for divorce of bank and State, and with him were Memminger and Davie.

Petigru and Yeadon in the House, and Hamilton in the Senate, stood in opposition. The resolutions introduced were as follows: —

"Resolved: That in the opinion of the Legislature it is expedient that the revenue of the Federal Government be so collected as ultimately to sever the Government from all connection with the banks:

"That in the opinion of the Legislature the revenue of the Federal Government should be so deposited, kept and disbursed as not to be connected with or used in banking operations:

"That it would be unconstitutional, inexpedient and dangerous to incorporate a National Bank to manage the fiscal operations of the Federal Government." [1]

Petigru soon realized how mistaken was his estimate. Under date of December 20 he mournfully writes: "I have been here almost three weeks, and tired I am of it. My position is that of a person in a dead minority. Everything has gone for the new scheme that Mr. Calhoun patronizes. I say everything, not everybody; for Preston, Hamilton, Hayne, Legare and I are somebody, I think, not to mention other names as well entitled to be considered; and they say McDuffie is very sullen, although he concurs with his old leader." [2]

[1] *Mercury*, Dec. 7, 1837.

[2] Unpublished correspondence of J. L. Petigru in possession of J. P. Carson, Esq.

Petigru seems to have done his utmost, and we could well spare some of the tremendously solid speeches with which the old papers abound for this supreme effort of his. We are only told, however, that "he uttered a hundred exquisite sarcasms, told one capital story and ended by moving to lay the resolutions on the table." [1] "It was not to be expected," says the *Mercury*, in reference to his more serious speech on the following day, "that even Mr. Petigru should put forth anything positively new on a subject that has been so long and so sorely tasked by the intellects of the greatest nations." Memminger replied to Petigru effectively, and in the House Calhoun was vindicated.

Meanwhile, at Nashville, Hayne had been winning golden opinions. A joint resolution of the General Assembly of Tennessee called on him for a copy of his speech before the two houses, with regard to the railroad, and also that delivered at the public dinner given him where "the citizens of Nashville attended, without distinction of party." [2] At this dinner all volunteer toasts were excluded, and but one regular toast given: "The State of South Carolina and the distinguished part she bore in the American Revolutionary Contest: No State among the ever memorable and revered thirteen was animated with a purer and more ardent patriotism; or incurred greater sacrifices in the common cause; or suffered more public and private calamities; or exhibited more illustrious instances of heroism and devoted ability; or evinced a more determined opposition to British misrule; or achieved for herself greater glory. Our distinguished guest, A worthy son of such a State." Of Hayne's response, the *Nashville Banner* said: "To say that this admirable speech was characterized throughout by the most concise and convincing arguments, interesting statistical facts and enlightened views, delivered in the polished style of the distinguished speaker, is but to speak the

[1] *Mercury*, Dec. 11, 1837.

[2] *Ibid.*, Dec. 8, 1837.

general sentiment which pervaded the large and intelligent audience present on this occasion. . . . The subject of banks and currency was handled with much ability, and the views of the speaker on this branch of his argument displayed an intimacy with the history and operation of trade and commerce in every respect creditable to his high reputation. Without entering into the exciting topics of Federal politics, he pointed out with the clearness of noon-day the utter impossibility and impracticability of a hard money currency among a commercial people and the consequent necessity of a paper representative of value. . . . He declared that the Road was not a political move; but, on the contrary, brought the prominent men of both parties in his own State into close and brotherly intimacy for the common good of the South and West." [1] The speech carried the Tennessee Legislature for the measures advocated by the speaker, and the three States of North and South Carolina and Tennessee were now united on the amended charter, and for granting the banking privileges; while Kentucky was for the amended charter, but had not yet granted the banking privileges.

It was about this time that Hayne had his last meeting with Jackson. Colonel Arthur Hayne, Jackson's Adjutant and Inspector General, and one of his most intimate friends, has left an account of the meeting between the two. He says: "General Jackson being informed of General Hayne's arrival at Nashville, directed his private secretary, Major A. J. Donaldson, to wait on him with his kind regards, requesting him, before he left the State, to do him the favor to pass a day with him at the Hermitage. The invitation was accepted and, as soon as he had finished the public business, he rode out to the Hermitage and remained with Jackson during the day. He found his host very feeble and much changed in appearance, but his mind was strong and vigorous,

[1] *Nashville Banner*, Nov. 24, 1837, quoted by *Mercury*, Dec. 12, 1837.

his memory good, his manner calm, courteous, gifted, as when he first became acquainted with him, in 1820, at the same place. The day passed pleasantly . . . the parting hour had arrived, and not one word had been uttered in relation to their former antagonistic positions. My brother, standing before the General, seized his hand and said: 'General, it is more than probable we shall never meet again in this world, and as we are about to part, I will say to you with perfect frankness and sincerity that if, in the discharge of official duties, circumstances have occurred, and many such we know have occurred, to shake our friendship, on my part, they are now and ever will be forgotten.' General Jackson rose from his seat, hardly able to stand, and taking the hand of his guest said, in reply: 'Governor Hayne, the kind, frank and noble sentiments you have just given utterance to are those I truly feel, and from the bottom of my heart I sincerely reciprocate all you say. And now, my dear sir, I rejoice that our mutual friendship is restored, and that we stand together as of old. The purity of your character — the virtues which adorn your spotless life as a public man and in the social and domestic circle — won my friendship in our first interview in 1820 at this place. I say it now, and I say it with pleasure and in sincerity, that in that great record of your country, which belongs to history, your name will stand conspicuous on the roll of her illustrious sons, as an able jurist, an elegant orator, a wise counsellor, a sagacious and honest statesman." [1]

In a manuscript note added later than 1859 to the above, Colonel Hayne adds: "Jackson did more to produce the Compromise Act than any one, and his friendship for my brother had a great deal to do with it." Jackson forgave Hayne's severe strictures upon him, in all probability, because he appreciated the chivalric behavior of Hayne in making no allusion during the nullification

[1] O'Neall, "Bench & Bar," Copy Charleston Library Society, p. 33.

controversy, to the note which others unhesitatingly asserted Jackson had sent him in approval of his speech in reply to Webster in defence of State Rights.

Hurrying back to South Carolina, Hayne reached the State just about the time of the conclusion of the contest in the Legislature over the resolutions regarding divorce of bank and State where, despite the efforts of Petigru in the House and Hamilton in the Senate, the position of Calhoun was sustained by majorities far beyond even his anticipations of what would be triumphant, the first resolution being carried in the House by a vote of 103 to 14; the second by 112 to 2; and the third by 97 to 16. In the Senate, the vote was, on the first, 38 to 1; on the second, 36 to 3; on the third, 32 to 5.[1] Yet while Hayne's views were in accord with the minority, a resolution to invite the Senate to hear General R. Y. Hayne at the bar of the House in favor of the bill to lend the credit of the State to the L. C. and C. Railroad, passed unanimously, and of his speech the *Mercury* said: "General Hayne then delivered a speech of some length, the excellence of which is best judged by its effect. General Hayne converted a decided hostility to the measure into an enthusiasm in its favor." [2] The comment of the *Courier* was: "Never was the distinguished orator more triumphant or more persuasive in eloquence." [3]

[1] *Mercury*, Dec. 14, 16, 1837. [2] *Ibid.*, Dec. 19, 1837.
[3] *Courier*, Dec. 18, 1837.

CHAPTER VII

R. BARNWELL RHETT'S REMARKABLE RESOLUTION CONCERNING ABOLITION. CALHOUN NOT READY FOR IT. HAYNE'S WONDERFULLY CLEAR APPRECIATION OF SOUTHERN INDUSTRIAL CONDITIONS

FROM the very beginning of the year 1838, public attention was directed toward the question of slavery. Calhoun's resolutions concerning petitions for abolition were under debate, and to his denial of the right he attached great importance. In framing them, however, he seems to have been unable to resist the occasion presented for incorporating his own special views as to the formation of the Union, which undoubtedly were calculated to repel some support. If he had lost the support of Pinckney and of Legare, who had succeeded Pinckney in the House, as well as Thompson and Campbell; if his colleague, Senator Preston, was opposed to his financial views, and with regard to his resolutions concerning the right of petition gave him but a doubtful support; if at home Hamilton was in open and unreserved opposition to his financial view; yet in R. Barnwell Rhett there was one, becoming more and more prominent in the State, who supported his financial views in Congress and in the State and went a step beyond him concerning slavery.

Rhett's action in Congress took Calhoun by surprise, and yet from the standpoint of those who thought and spoke as both Calhoun and Rhett did, it was thoroughly reasonable. Both men claimed that the Constitution of the United States recognized

slavery, as it certainly did; yet, if, in the Federal jurisdiction, it could be attacked, that instrument failed to protect it. Therefore, when the abolitionist Slade moved to report a bill to abolish slavery in the District of Columbia, Rhett's amendment went straight to the root of the matter. It was — "and the Constitution of the United States having proved inadequate to protect the Southern States in the peaceable enjoyment of their rights and property, it is expedient that the said Constitution be amended or the Union be dissolved: Resolved that a committee of two members from each State in the Union be appointed to report upon the expediency and practicability of amending the Constitution or the best mode of dissolving the Union." [1] The temperate wording of this resolution was in marked contrast to the wordy vituperation of Wise; but it also brought Calhoun suddenly face to face with that which he had alluded to as approaching. Whatever may be said of it, yet it was a dignified, statesmanlike manner of approaching a grave and imposing subject, and, if Calhoun was not ready for it, no blame could be reasonably imputed to Rhett; for Calhoun had declared very nearly five years previously that either the Force Bill or the political connection must yield; and the Force Bill had not been repealed. Calhoun was not, however, ready to proceed to extremities. His grandiose declaration of 1833 was the result of the mental intoxication produced by the incense burned before him for successful nullification; and it is doubtful if he weighed his words as carefully as he should have done upon that occasion. Certain it is that his reply to his daughter, who apparently was extremely impressed with Rhett's view, and who was closer to Calhoun's heart than any living creature, is by no means a strong or convincing argument. When he admitted that "We cannot and ought not to live together as we are at present," it was no answer to her claim (that it was

[1] *Courier*, Jan. 30, 1838.

"better to part peaceably than to live in the state of indecision we do,") to speak of the "difficulty" of separation.[1] His hesitation did credit to his genuine love of the Union; but when we remember his unreserved declaration regarding the repeal of the Force Bill, it is impossible to avoid the conclusion that there was another cause of hesitation, although Calhoun was probably unaware of it himself. He was, constitutionally, unable to follow; he must always lead. In addition to all other considerations, we may fairly conclude that to this strange man there was "a rapture in the strife of factions that a woman's soul cannot conceive of." His letters, immediately following, indicate his lively personal interest in the struggle: "Mr. Clay is very impudent, and I expect to have a round with him. . . ." And again: "Mr. Clay made a very long reply, but in the main very feeble and personal. I intend to give him as good as he sent, and so informed him on the conclusion of his speech."[2] While these "rounds" were being fought out in the Senate, and the entire country so shocked by the barbarity of the Graves-Cilley duel, that even John Lyde Wilson produced his "code duello," as he said, in protest; while the two sections were straining apart; Hayne was patiently, steadily and patriotically striving with the work by which he believed the Union alone could be preserved. Ably seconded by C. G. Memminger for a time, and by James Hamilton and Mitchell King to the bitter end, yet in the main, the burden lay upon him. He had weathered the panic of 1837, amended the charter and increased the subscriptions. To secure additional aid from the State and reconcile the aggressive minority continually crying out for the Georgia connection, he had purchased the Charleston and Hamburg Road; but under the continual agitation, it was a trade with the knife at the throat of one of the parties to it. There were strong arguments in favor of the

[1] "Calhoun's Correspondence," p. 391.

[2] *Ibid.*, pp. 392–393.

purchase itself, nevertheless. Doubtless the material could be handled for pushing on the work more expeditiously and cheaply, and the increasing volume of business of a lengthening railroad might help in its extension; but the road had run down, was not entirely free from debt and was purchased at a premium and upon terms which, if the stockholders gave trouble about paying up in instalments upon the stock as called for, must create almost insurmountable difficulties for the management; yet, as they had subscribed, it was hardly unreasonable to assume they meant to pay when called upon to do so. Hayne, however, felt it incumbent upon him to place fairly before the people of the city of Charleston and of the State of South Carolina their vital interest in the enterprise. Addressing himself first to the citizens of Charleston, he expressed his solemn conviction that upon their conduct depended the destinies of the city. "Communities like individuals," he said, "are (under the blessings of Heaven) often the architects of their own fortunes, and to a certain extent may be said to control events. Charleston now stands in the front rank among the cities of the South. With an admirable harbor, a healthful climate, a larger population and a greater capital than any city on the South Altantic Coast, we have already obtained a start in the great race which will insure us the victory, if we are only true to ourselves and resolve to improve our advantages. But let us not be deluded with the vain fancy that success can be secured without any effort. The truth is that the trade of the West is at this moment the great object to which the earnest attention of the whole country is directed."

Showing that the Georgia State road was intended to form a continuous line from Savannah through Macon to the Tennessee River, under State patronage and with a bank already in operation; and Virginia, too, moving, he urged that South Carolina stood in danger of being "cut off forever from her fair share of the com-

merce of the West." He claimed that the people of Tennessee preferred at that time a connection with Charleston to that with any city to the north or south of her. Knoxville, he claimed, was nearer to Charleston than Richmond by fifty miles, and one hundred miles closer than she was to Savannah by the Georgia State road. The valley of the French Broad, he claimed, afforded a far better route by which to connect Knoxville with the ocean; but he impressed it upon his readers "if, after all that we have said and done, we should falter in our course or abandon the enterprise, our sister cities will very soon establish those connections, by which our doom will be sealed, and we shall deserve our fate." [1] After pressing argument upon argument on his readers with such force that we find them caught up and utilized by his rivals in Virginia to supply their own deficiency in the power of appeal, he closed with the announcement that the fate of the road was in their hands, and it was for them to determine whether the roll of subscribers should "remain a proud memorial of their wisdom and patriotism, or a miserable record of fluctuating feelings and changeful purpose — a monument of our glory or our shame." [2] In support of the appeal, the *Courier* published a strong editorial, in which a proper appreciation appeared of the "able, patriotic and indefatigable president," to whose untiring efforts it declared the existence of the road was due. As earnest and impassioned, as persuasive and moving, as had been Hayne's appeal to the citizens of Charleston, it falls far below his effort to rouse the State, in which he exhibits a grasp of public affairs and a statesmanlike comprehension of existing facts and conditions, which time has so far verified, as to place him beyond any man of his day in his clear perception of. Attention has been directed to the fact that Hayne was launched upon his public career without the culture and training with which many of his contemporaries

[1] *Courier*, March 13, 1838.

[2] *Ibid.*, March 13, 1838.

were blessed, but that one of his most remarkable qualities was his ability to gather information and instruction from almost every situation and every struggle. In his last fight against the tariff in the Senate it has been suggested that the speech of Ewing of Ohio was a more forcible reply to Hayne's argument than that of the great Kentuckian, who loomed so large in the public eye. In Hayne's appeal to the State of South Carolina we realize that Hayne had pondered these arguments of Ewing, and had become convinced that something beside the tariff was responsible for the lagging progress of his State: "South Carolina," he says, "as a small state, rich in her great staples and commercial facilities, yet deprived of her natural advantages by the wasteful cultivation of her soil and the state of almost 'colonial vassalage' to which her trade has been reduced, is now brought to a condition which calls for prompt and decisive measures to remove existing evils and to avert the still greater calamities with which she is threatened. It is impossible to shut our eyes to the truth or exclude from our minds the conviction that South Carolina is destined to sink down from her high and palmy state of prosperity, honor and renown which she has so long and so proudly occupied, unless her sons shall avail themselves of the present favorable opportunity to retrieve her falling fortunes. The superior fertility of the virgin soils of the new and flourishing states of the South West holds out a temptation to emigration which nothing can counteract but the opening of fresh avenues to trade and new and more profitable employment of labor and capital. We have no unoccupied territory to which our planters can repair from their exhausted fields to renovate their fortunes. The slow process of restoring our worn-out soils will not be resorted to whilst on our own borders are found immense and fertile regions, so lately acquired from the Indians in Georgia and Alabama. What, then, is left for us? We must diversify the pursuits of our people.

The opening of a communication with the West and the establishment of a Direct Trade with Europe are the only means, under Heaven, by which this great object can be effected. Much has been said as to the necessity of establishing a system of direct importation, and it has been well asked why the South, which raises the cotton and rice which is actually exchanged for the European products by which the wants of so large a proportion of the Union are supplied, should not be able to effect these exchanges through her own sea-ports, by her own merchants and in her own ships? Ask these merchants, and they will tell you that, though these goods can be brought to Charleston as cheaply as they can to New York, yet they are not imported directly, because they could not find a market in Charleston. We have been assured if this difficulty was removed our direct importations from Europe would at once equal to our exports. But so long as we are unable to forward these goods into the interior, our market for European goods must be confined to the supply of our own limited wants. Look at the present course of the trade between the South and West. The importations from Tennessee and Kentucky into South Carolina and Georgia amount to millions of dollars, but instead of their being paid for in foreign goods, imported directly into Charleston and Savannah, in exchange for our own cotton and rice, we pay for them in gold and silver, or in bills upon the North, thereby losing entirely the profits on the importation and greatly embarrassing our merchants by the operation. Now if we only had the means of transporting these goods by a railroad to the West, everything would be changed. Not only would we pay for Western productions, consumed by the South, in foreign goods received in exchange for our produce, but we should also be able to supply a large portion of the Western country with all the goods now obtained by them from abroad, receiving in exchange their products to be distributed in Southern

ships throughout the world. The truth is that all our efforts to establish a direct trade with Europe must in a great measure be unavailing, unless we can provide a market in the West for the goods we may import. Our Railroad, with the aid of the South Western Railroad Bank, will achieve for us this important and peaceful victory." [1]

Close upon the publication of this powerful and most statesmanlike series of papers, the breaking of ground at Columbia for the beginning of the construction of the branch to connect that city with the Charleston and Hamburg Road was begun, and upon that occasion Hayne spoke with an eloquence never surpassed by any effort of his life. It was upon that occasion the expression was used, selected by Mayor Courtenay from among all of his phrases, to mark the bust placed at the latter's instance in the Council Chamber at Charleston, forty-four years after Hayne's untimely death and some forty-two or three subsequent to the magnificent but abortive scheme of erecting a great memorial in his honor. The phrase is one well to be considered: "Next to the Christian religion, I know of nothing to be compared with the influence of a free, social and commercial intercourse, in softening asperities, removing prejudices, extending knowledge and promoting human happiness." [2] In the same speech he introduces a remark which is calculated to throw much light upon a subsequent correspondence. "It is a fortunate circumstance," he says, "that by the purchase of the Charleston Rail Road the means have been furnished of removing all local jealousies and reconciling all conflicting interest; and he must be in heart an enemy to the whole enterprise who is not satisfied with an arrangement so well calculated to meet the views and wishes of all."

From neighboring States came echoes of his eloquent appeal, the *Richmond Enquirer* paraphrasing an utterance to stimulate

[1] *Courier*, March 16, 1838. [2] *Mercury*, March 21, 1838.

Virginia: "And if we shall falter in our course, we, too, will deserve our fate." So far, however, were the bulk of the representative men of South Carolina from being conscious or mindful of that which was mainly responsible for "the wasteful" cultivation of her soil and so impressed with the immense benefits to be derived from that which Calhoun considered as "the best substratum of population in the world," that at the Augusta meeting, in favor of direct trade, held about this time, there was put on record an utterance which to-day seems almost archaic — "the great truth will be seen and felt and acknowledged, that of all the social conditions of man, the most favorable to the development of the cardinal virtues of the heart and the noblest faculties of the soul, to the promotion of private happiness and public prosperity, is that of slave-holding communities, under free political institutions — a truth hardly yet understood among ourselves, but which the future history of these States is, we trust, destined to illustrate." [1] It was certainly a truth not thoroughly understood by Hayne in 1818, or even as late as 1827; while in 1833 he seemed to confine his declaration to the discovery announced that, from a military standpoint, the slave States were strengthened instead of being weakened, as he had evidently thought up to that time they were by the institution. Meanwhile the shares for the Southwestern Bank being all promptly subscribed for and other arrangements completed, the Governor of Tennessee, in behalf of that State, subscribed for $650,000 worth of stock in the Road, bringing Tennessee's subscription up to and over the million-dollar mark, with regard to which the *Knoxville Register* declared that Hayne's address was of immense value; and, in addition that the shares in the stock of the Road had been disposed of at a premium of 6 per cent.[2] But as if to test the endurance of the great soul animating his fellow-citizens to this supreme effort, the Fates now intervened, and Charleston

[1] *Courier*, April 9, 1838.

[2] *Ibid.*, April 16, 1838.

was devastated by a fire involving a loss of $3,000,000 of property and many lives.[1] To the shrivelling effects of this conflagration upon the spirits of the strongest and most determined men of the community, a letter from J. L. Petigru bears witness: "The scene before us at this time beats everything in the way of moralizing that the Pulpit or the tragic stage can do. Charleston may be said to be no more. The desolation that reigns in the busiest, liveliest streets, the rude columns that once were chimneys standing as thick as trees in the forest and the piles of rubbish everywhere over the ground in most unsightly disorder, are miserable memorials of our fallen state. . . . There is no knowing what will be done. Wise and vigorous counsels are necessary to keep the place from losing the very name of town and sinking into a village. We all think it was a judgment; but disagree for what it was sent. I think it was the boastful, threatening and insolent convention at Augusta, where we were making such ridiculous promises of what we were going to do." [2] The fire was a conflagration and a great and disastrous blow to the city; but the map of the burnt district, while indicating that the heart and a considerable portion of the whole of the city was destroyed, does not reveal a condition quite as desperate as Mr. Petigru's letter would lead one to infer; while, with regard to his strictures on the Augusta Convention, it should be borne in mind that he was about the last of the Federalists. As was getting to be usual in all difficulties, the first thing done was the placing of Hayne at the head of a committee to devise the means of getting things into shape, and in a month such progress had been made that merchants, with great pluck, were publishing notices that by the fall they would be ready to do business, and Hayne was free once more to bend all his energies on the railroad.

[1] *Courier*, April 27–30, 1838.

[2] Unpublished correspondence of J. L. Petigru.

CHAPTER VIII

HAMILTON'S REVOLT. CALHOUN CONSULTS WITH VAN BUREN'S SECRETARY OF WAR AS TO THE OVERTHROW OF THOMPSON AND LEGARE. THE QUARREL BETWEEN CALHOUN AND THOMPSON

THE close of the congressional session did not find Calhoun in that buoyant frame of mind which his letter to his daughter at the outset had indicated, and with some bitterness he wrote to James Edward Calhoun, under date of April 21, 1838: "Preston and Thompson have done much mischief — more than they can ever repair if they live a hundred years." [1] That these two men had, up to that difference, been his stanchest supporters, contributing in no small degree to that immense power he wielded in the State, seemed to have passed altogether from his memory, and to the most eminent of all his opponents in the State in the nullification struggle, now Van Buren's Secretary of War, he wrote in July of the same year from Fort Hill: "I am glad to inform you that there is opposition in this district to General Thompson," and urged Mr. Poinsett to stir up opposition against Thompson, in the mountains, and against Legare, in Charleston, and to see that Gresham and Norton of Pickens "should go right." [2]

Since the elimination of Senator Smith from the politics of South Carolina, most of Calhoun's opponents had fought him with bated breath, even the doughty Petigru dealing more in covert allusion and innuendo than direct attack; but not so James Hamilton. Having parted with his old chieftain, Hamilton struck

[1] "Calhoun's Correspondence," p. 396.

[2] *Ibid.*, pp. 397–398.

at him openly and fearlessly. "Until Mr. Calhoun consented to become the foster father of this treasury offspring," he rashly asserted, at the extra session of the Legislature, "there were not ten individuals in the State with whom the unpromising bantling obtained countenance." In this Hamilton was wrong; but in that with which he followed it, there was wisdom. "Can we not allow our State," he cried, " ne moment of repose? Must she pass the verge of one agitation to be hurried into another? Can she never breathe for one instant in the temperate zone?" [1] The Unionists would have hardly been human if they had kept silent, and James S. Smith replied with spirit and, through the Unionists who flocked to his standard, Calhoun more than made good his losses, and accordingly Hamilton found himself in a minority of seven or nine on the vote upon the resolutions which he had declared "were levelled at one of our Senators."

The attempts to drag Hayne into the controversy were very properly rebuked by the *Mercury*, which declared: "General Hayne's position is as it should be. We shall not copy the evil example of the *Telescope*, in attempting to drag into politics a man whose status requires him rather to moderate, conciliate and unite all in support of the great enterprise which he directs." [2]

How fiercely this flame was burning is evinced by some of the toasts of the day. At a Pickens district celebration, strongly for Calhoun, we read: "W. C. Preston: An alien by birth and a traitor to the State of his adoption. In him have we been deceived, but will never be again." And at Abbeville: "Legare, Campbell and Thompson, recreants to the South, etc." "W. C. Preston: He has betrayed the trust reposed in him." [3] In addition to those frantic fulminations, a whack was made at the railroad, the bank and the loan to Charleston to rebuild, by the following: "South

[1] *Courier*, June 12, 1838. [2] *Mercury*, July 17, 1838.
[3] *Courier*, July 17, 1838.

Carolina Legislature: May it be confined within its legitimate sphere, and guarantees and loans for corporations be discontinued."

In the midst of his disconsolate Unionist friends, grieving over the impending defeat of Legare, Richard Yeadon alone took a gloomy satisfaction in impressing upon them their political folly in presenting Legare to the opposition as a weapon with which to slaughter Pinckney, the *Courier* declaring: "Mr. Pinckney was proscribed because he had the resolution on the French and Abolition questions to resist the dictation of a Senatorial colleague; and Preston, Legare, Campbell and Thompson are threatened with a like fate." [1] The friends of Preston in Columbia did all in their power to placate Calhoun. They invited him to the Preston barbecue; but Calhoun declined in a quiet, dignified letter which, nevertheless, accentuated the difference between Preston and himself, reciting his inability, in consequence, to appear at a festivity arranged to indorse Preston. The committee gained nothing by extending the invitation, and Calhoun wrote Duff Green: "The Preston dinner is considered a failure." In the same letter he exhibited great bitterness against Thompson, alluding to "his art and duplicity." [2] Out of all these bickerings Hayne resolutely kept, winning the commendation of both factions; complimented at the Preston dinner in the toast: "The Louisville, Cincinnati and Charleston Railroad: An enterprise worthy of the devotion of such a man as Robert Y. Hayne;" [3] and at the dinner to R. B. Rhett, where he was directly toasted: "Robert Y. Hayne: His untiring efforts in behalf of the Louisville, Cincinnati and Charleston Railroad declare to the world that his patriotism requires not the excitements of power to maintain its existence." [4] Beyond the limits of the State attention was turning to him even more strikingly, and by the

[1] *Ibid.*, July 20, 1838.
[2] "Calhoun's Correspondence," p. 398.
[3] *Courier*, Aug. 6, 1838.
[4] *Ibid.*, Sept. 11, 1838.

Columbus Enquirer of Georgia he was named for the Presidency of the United States, with John Tyler of Virginia for Vice-President.[1] The feeling which Calhoun entertained for his former intimate, Thompson, had drawn him into a somewhat unfortunate imbroglio, out of which Thompson emerged unscathed; while it required all of Calhoun's power in the use of words to extricate himself from an awkward situation. The fairest way to present the matter would be by the two letters entire, but Calhoun's is so lengthy that a synopsis of the salient points must suffice. The trouble arose over Calhoun's support of the divorce of bank and State at a dinner in his honor, on which occasion he had characterized Thompson's remarks in stronger language than that gentleman was willing to permit. Thompson's letter to Calhoun was dated August 30, 1838, from Greenville, and was as follows: "Sir: In the course of my remarks on Tuesday last, I stated that the demand of the public dues in gold and silver only had first been presented in Congress as a distinct and specific proposition by Colonel Benton. You interrupted me, and said that my statement was false (and, I understand, added that I knew it to be so). This occurred at a dinner given to you, and I could therefore do no more than say that such language was unprovoked, and that I could not and would not submit to it from any man. I had hoped that when the excitement of the moment had passed away, it would have been withdrawn. As it has not, I have no alternative left but to enquire whether you intended to use the language attributed to you, and whether or not I am to regard it as retracted or withdrawn?" To this Calhoun replied from Fort Hill, September 2: "Sir: You commence by giving your understanding of the occurrence on Tuesday last before you ask the question to which you desire an answer. I shall follow your example." Then follows a lengthy statement which the writer declares was the occasion that "I

[1] *Courier*, Aug. 23, 1838.

drew the inference I did. . . . But I now understand from your note that in this I was mistaken. . . ." After some questions as to Thompson's intentions, the conclusion, however, is: "It is sufficient to say that the inference I drew, and the expression to which you object, was drawn on the supposition that you had directly contradicted, in unqualified terms, my assertion . . . and of course the expression is not applicable to the more restricted proposition which I now understand you had made." [1] In the same issue of the *Courier* in which the settlement of this difficulty was published, appeared an account of the flattering reception accorded Hayne in Lexington, Kentucky, at a meeting at which Henry Clay, Vice-President R. M. Johnson and other distinguished men were present. The affairs of the road seemed very bright and cheerful, but the president's report, published soon after, in which again he alludes to that object which was to him the greatest of all, viz.: "The great object is to break down the mountain barriers which separate two entire sections and to bind them firmly together in the bonds of a free, social and commercial intercourse, the only sure foundation of a perpetual union," [2] indicated, nevertheless, by what a narrow margin success had been snatched from failure. To the great bank 95,000 shares had been subscribed, and arrangements had been made to bring from Europe so much of the loan effected by Hamilton on the credit of the State, in specie, as would suffice to put the bank in operation without embarrassment to other interests; but the banking privileges which had been granted were upon the express condition that subscriptions to the road amounting in October, 1837, to $5,300,000 should be increased by December 31, 1837, to $8,000,000.[3] By the subscription of the State of Tennessee, the amount was raised to $5,950,000, which left $2,050,000 to be obtained in three weeks, and this could not possibly be obtained in any other way than by the purchase of the Hamburg Road at the

[1] *Ibid.*, Sept. 12, 1838. [2] *Ibid.*, Oct. 13, 1838. [3] *Ibid.*

round price paid for it, coupled with the condition that stockholders should subscribe for 20,000 shares, the first payments of which were to be deducted from purchase money, while the $50,000 still due, to obtain the great loan, was subscribed by the city of Charleston. The plan was to extend the main trunk to Columbia, thence by Butt Mountain Gap into North Carolina, through the French Broad valley to Knoxville. Considering the resources for carrying on this work, it was announced that the most which could be reasonably hoped for the present was the extension of the branch destined to be the main stem to Columbia and the payment of what was the price of the Hamburg Road, actually $2,300,000, $700,000 due the banks and $1,600,000 to the road. To put the road in thorough order, $300,000 was necessary. Cash in hand from instalments and first loan was $1,150,000, which it was proposed to utilize as follows: $350,000 to banks, $180,000 for repairs, leaving $620,000 to be applied to second instalment $800,000 due on purchase money of Hamburg Road, which, with interest charges $100,000, in all amounted to $900,000, leaving a deficit of nearly $300,000, which could only be met by third instalment or temporary loan. By utilizing the 10,000 shares of the Hamburg Road pledged for this second instalment due the vendors, the president hoped, as they were valued at par, $1,000,000, $500,000 could be borrowed. From the third instalment on the stock he expected $300,000 and from second guaranteed State loan $1,000,000. With the second payment to banks, $350,000, and repayment of loan of $500,000, releasing stock, there would be in hand $450,000 with which to push on the road and meet the instalment due January 1, 1840, for the purchase of the Hamburg Road, by which date two more instalments of the stock of the Louisville, Cincinnati and Charleston must be collected. It does not seem to have been an unreasonable scheme; but of course it was dependent upon those who had subscribed, paying an amount which would then be

one-quarter of the whole of the obligation assumed, and Hayne had every right to assume that they would respond to their obligation, if for no other reason, than because these stockholders had promptly subscribed for $9,500,000 worth of shares in the bank. Those under obligation to pay at some time over seven millions of dollars, subscribing for more than nine million more, certainly could be expected to meet of the first, in a year, six or eight hundred thousand, otherwise their subscriptions meant nothing. In the year and nine months in which he had been president, Hayne had raised the capital stock of the company from $4,000,000 to $8,000,000, $2,000,000 more than the amount with which Calhoun had asserted, just before Hayne's election, the road could be carried from Charleston to the Ohio by the Tuckaseege route, through North Carolina, Tennessee and Kentucky. Calhoun had then thought that on a fair survey, revealing which was the best route, the Tuckaseege or the French Broad, the whole State would acquiesce — "Even the selfish will be ashamed to object." He was mistaken. The survey had so thoroughly demonstrated the impracticability of the Tuckaseege and the superiority of the French Broad, that he himself was forced to admit he had, in some degree, been mistaken; but so far from any one being ashamed to object, every objector had incontinently abandoned the Tuckaseege route and harked back to the junction with Georgia, and of these Calhoun was himself the chief. The purchase of the Hamburg Road, so far from satisfying these, simply was utilized for the purpose of discrediting the French Broad route. The publication of a table disclosing the earnings of the Hamburg Road, in the report of the president, revealed a steady growth. The number of passengers transported and fares collected had, in four years, doubled. The amount received for carriage of the mails and the number of bales of cotton increased by more than 50 per cent. The gross earnings doubled, and representing 14 per

cent on the purchase price.[1] Put in thorough order and with the addition of the fork moving to Columbia, once paid for, there was good reason to believe the road could be made to push its way across the State, even if slowly. But with this eternal war upon it from within, it could never hope to succeed, and those who conducted this war upon it were in the main responsible for the fact that it did finally fail. A new assailant now appeared. The name "Many Stockholders" having been shown to be absurd, the critic now conducting the attack assumed the more euphemistic title — "Friend to his Country." This correspondent did not exhibit, nor was it necessary that he should display, any great degree of intelligence. Perseverance and determination are effective in destructive efforts, and these he had. The enterprise was one dependent upon the maintenance of confidence, and if that could be shaken, it must fail. In eight heavy, lengthy pieces, abounding in glaring misstatements, preposterous arguments, unsupported assertions and gloomy forebodings, "Friend to his Country" gave the reasons why he and others, who were under a certain pecuniary obligation to contribute to an enterprise, should be freed from that obligation. His intentions were probably the best; but the eight articles with which he hammered the enterprise for a month, in the light of facts and the replies at the time, are scarcely to his credit. The statement that, in capitalizing the road, Charleston would be drained of $12,000,000, might be excused, although it is difficult to understand how Charleston could lose more than she put in; but the statement that all of Kentucky's subscription had been withdrawn, had as a basis to rest on, only the fact that the subscription from Covington, in Kentucky, in the neighborhood of a third of the whole, had been released for the avowed purpose of permitting it to be utilized for the carrying on of the road from Lexington to Covington on the Ohio, after the amendment to the

[1] *Courier*, Sept. 12, 1838.

charter, which ended the main road at Lexington, Kentucky. This was careless, but when the subscriptions of Tennessee, over a million of dollars, were asserted to be less than a third of this sum, the error was astonishing. The bald statement that "the country from the mountains through the whole of Buncombe County, North Carolina, equal in length to and adjoining the section we have just been considering, has not a trade or passengers, nor can ever have, to pay $500 income on any road whatever," was an empty utterance, worth nothing; but the inquiry which seemed to admit in advance the impossibility of the South competing with the North, was such an admission of inferiority as to unfit the writer for the position of critic. "Can you, with your Southern habits, stand a competition with cool, persevering and determined Northern habits, and this on their own ground?" was certainly strange language to address to those who, for a decade and more, had been asseverating that the repeal of the tariff of abominations was all that they asked for — a fair field and no favor. But addressed to those who had built the then longest railway in the world, and one of the few ever built within the estimate, it indicated an utter inability to appreciate the proved capacity of his own people.[1]

In the fall elections, Hugh Swinton Legare was overwhelmingly beaten by Holmes for Congress, and Calhoun admitted that he had interested himself to assist in this result, in concert with the Secretary of War in Van Buren's cabinet.[2] But all his efforts to overthrow Thompson were vain, the latter being returned by a majority of 1025. At the fall meeting of the Direct Trade Convention at Augusta, J. H. Hammond moved to erase that portion of the address of the president of the convention which recommended the clothing of railroads with banking privileges, which motion to erase was supported by J. A. Calhoun of South Carolina and Longstreet of Georgia, but opposed by Patrick Noble, Ker

[1] *Mercury*, Oct. 9, 1838, *et seq.* [2] "Calhoun's Correspondence," p. 407.

Boyce, B. F. Dunkin and I. E. Holmes of South Carolina and J. M. Berrien of Georgia, and failed.[1] A day later the *Courier* alludes to "a writer in the *Mercury* laboring to destroy the confidence of our citizens in the great enterprise," [2] and almost contemporaneously with the publication of "Friend to his Country's" last article, appears the date of Calhoun's letter of resignation from the directorship of the great Western Road.

[1] *Courier*, Oct. 19, 1838. [2] *Ibid.*, Oct. 20, 1838.

CHAPTER IX

CALHOUN RESIGNS FROM THE DIRECTORSHIP OF THE LOUISVILLE, CHARLESTON AND CINCINNATI RAILROAD. HIS TWO LETTERS CONSIDERED. HAYNE'S LETTER, WHICH INTERVENED

Two letters from Calhoun in reference to this resignation appear. The first is dated October 28, 1838, the second and more important one, November 17, in reply to a letter from Hayne, urging him to reconsider, and making an argument which Calhoun attempts to meet. The first letter is as follows: "My dear Sir: Enclosed you have my resignation of my place in the direction of the Charleston and Cincinnati Railroad Company. In addition to the reason which I have assigned in my letter of resignation, and which of itself is ample, I feel bound to say to you, in candour, that there is another and a decided reason with me. I see by the last report enough to satisfy me that it is resolved to carry the road through by the French Broad route. I have no doubt of your sincere and deep conviction in its favor, but as deep as yours is for it, mine is no less deep and sincere against it. The more I reflect, the more thorough is my conviction of its complete and disastrous failure, should it be attempted; and thus thinking, I cannot bring my mind to continue to occupy a place in the direction and share in the responsibility of a measure which my judgment cannot approve. But at the same time, as the route is resolved on, you have my best wishes for its success. No one would rejoice more than myself to find in the end that you were right, and that I was mistaken. I believe the success of a connection of the West is

of the last importance to us politically and commercially. I, as you know, was among the first to suggest and second it with all my zeal, and my opinion remains unchanged. But as important as I consider the successful execution of the project, in the same degree do I consider its failure as disastrous every way to the State. I do verily believe that Charleston has more advantages in her position for the Western trade than any city on the Atlantic, but to develop them we ought to look to the Tennessee instead of the Ohio, and much further West than Cincinnati or Lexington. With all the lights I have, there are two routes by all comparison superior to all others; the one through Georgia to Ross's landing or thereabouts, and the other by Savannah River from Hamburgh to the head of steamboat navigation on the Little Tennessee. If I am not mistaken, steam navigation might be brought by the latter within 100 miles or much less between the Eastern and Western waters for the fourth part the expense which the projected route by the French Broad would cost; and that it would not cost half the sum to bring a ton weight by that route to Charleston, even from Cincinnati or Pittsburg, as it will by the French Broad Railway if the navigation of the Tennessee should be improved, as it will, for steam navigation. I throw out these suggestions not, of course, to influence your judgment, which seems to be deliberately made up in favor of the French Broad route, but simply as indicating the state of my own mind; and from which you will see it would be doing injustice to myself to remain longer in the direction. Let me say to you in conclusion, both as a friend to yourself and the Road, not to move beyond Columbia till it is ascertained what is the result of the Georgia route." [1] By itself this letter reads well; but when we attempt to reconcile it with other letters by the same author, not so well. If there was "ample scope for both" roads, as he stated to Williams in 1835, when failing to convince him, then,

[1] "Calhoun's Correspondence," pp. 411–412.

of the superiority of the Georgia route and, if the great point was "that rivalry and conflict should not be permitted to defeat the grand design of uniting the two sections," why should he now abandon that which he had associated himself with for nearly two years? Had he not urged his friends in 1836 to subscribe to the stock in the road, when he thought he had found a route which would, with $6,000,000, be easily carried to the Ohio? Had he not urged it upon Patrick Noble that this route and the French Broad should be surveyed and the best selected when "even the selfish would be ashamed to object"? Yet here he was declaring that justice *to himself* would not permit him to continue a director, and that, when surveys, conducted by a man in whose ability and integrity he firmly believed, had established the superiority of the route, which, however, was not the one which he, Calhoun, thought was the best. He had been on the Board a year and nine months, during which period he admits that he could not get a man in Charleston to agree with him about the Georgia route, and where everybody but himself and some anonymous writers were for the French Broad, even Colonel Gadsden, who advocated the Georgia route, later, having, as engineer, represented the excellencies of the French Broad; yet everything, he advised now, should stop until it was seen what was the result of the Georgia route, a route he had assisted, although supposed connected with the opposing road. Under date of November 1, 1838, Hayne replied to this letter in one which, while powerfully argumentative, is even more marked by its firmness. There is an appeal to the close personal relations, to the political obligations due him from Calhoun; but it is a thoroughly manly letter, and in it there is a note of sternness which almost indicates that it would be impossible for those relations to be retained or his belief in Calhoun to remain, if that appeal should be refused. The letter is as follows: "My dear sir: I have just received your letter resigning your office as Director in

our R. R. Co., with the private letter which accompanies it. I regret extremely the view of this matter which you have taken. At every period of my life it has afforded me great pain to differ from you, and it is peculiarly painful to differ on a subject in relation to which your hearty coöperation is so essential to prevent that failure which we both agree will be so disastrous in its consequences. I had hoped that the measures adopted and the situation in which we have been placed by the Legislatures of the several States would have removed all grounds for any difference of opinion as to the measures now to be pursued; and I cannot persuade myself that if you will calmly review the whole subject, read carefully the documents which I now send you, and then ask yourself *what ought to be done?* that it will be possible for you to withhold your valuable support from us. I ask it, at all events, as a debt due to me on the score of long-tried personal and political relations and duty which you owe to the State, that will look at the question in the aspect in which I shall now present, and *then say* whether we cannot find in the present situation and policy of the Company some common ground on which we may both stand, and move on hereafter steadily and harmoniously together. When the proposition was originally made for a connection by Rail Road between Charleston and the West, no particular route was designated by us. It is true that the invitation came from Cincinnati, but the citizens of Charleston, in responding to that invitation, carefully avoided committing themselves on that point. In their 'proceedings' (a copy of which I send for your perusal) they left the proper route to be determined by a consultation among all the States concerned, and on an examination of the proper route by skilful engineers. Colonels Gadsden and Brisbane and Mr. Holmes were employed in making those examinations, and reported decidedly in favor of the route by the French Broad River as affording a passage for a Rail Road 'unexampled in the topography of the world.' I

send you the documents, showing their decided preference of this over all other known routes. The Knoxville convention followed, where 300 delegates assembled, representing nine States, including 55 from the State of Georgia. The subject was examined by that convention in all its bearings, as will appear from a copy of its proceedings (which I also forward with a request that you will carefully examine it), and the result was the final establishment of the route by the French Broad River, as the most direct and preferable route to the West. Among the delegates from South Carolina present, and who concurred in these proceedings, were Colonel Gadsden, Mr. Poinsett, Colonel Noble and many other distinguished men. The Georgia delegation themselves finally concurred, asking only the privilege of joining on by a branch, & the whole of the proceedings were *adopted unanimously*. From that moment I have regarded the question as *decided* that the route from Charleston to the West was to be through the centre of our own State and by North Carolina and Tennessee; and after obtaining the charter from the other States, and going so far on this subject, I have supposed that we were *bound in good faith*, at least, to do *our part* towards the accomplishment of the object. This to be observed, however, that we never came under any obligation to *make the road for the other States*, though the idea was held out that South Carolina would be disposed *to aid North Carolina* in doing her part of the work. Should the other States, therefore, fail to coöperate with us hereafter, we can certainly not be expected to push the work beyond our own limits, and to that extent it seems to me it would be, in any event, our interest to go. But though I have supposed that the question of extending our connection to the West by the French Broad River was settled (provided the other States should do their part towards it) I was aware that some of our citizens, especially along our Southern border, were very solicitous to have a road extended from the termination of the

Charleston and Hamburg Road, through the State of Georgia. To meet their views, to harmonize the whole State, and at the same time lay the foundation for the extension of our connection *in that direction*, we resolved to purchase that road. And this has accordingly been done. The putting that road on a better footing was indispensable to enable it to command the trade which will be brought by the Georgia roads to Augusta, and from them to Charleston. The funds of the old company were inadequate to that object; the purchase by us, therefore, besides the other objects to be accomplished by it, became indispensable to the extension of our connection through Georgia. The embankment and new Iron and other repairs and other improvements will cost several hundred thousand dollars beyond the current receipts from the road itself, will in the end consume the whole loan made under the guaranty of the State. While making such great efforts and incurring such vast expenditures to meet the views of those who preferred a connection through Georgia, it does appear to me that we have justly entitled ourselves to their cordial support for that other and *necessary part of our project*, the extension of our road by the central route as far as circumstances may permit, taking care to proceed only step by step, and securing the fruits of our labors as we advance. You do not seem to have realized the unquestionable truth that the project of carrying a road by the *central route* was *the only one* that could have secured the aid of the State, or enabled us to purchase the Charleston Railroad, or given us the smallest chance of success. The guaranty of the State to the loan could not have been obtained, nor the Bank of Charleston have been secured by any other plan. Now, all the stockholders — whatever may be their respective views as to the most expedient route for the road — concur unanimously in the opinion that the *bank* is indispensable to the success of any road. Without it, our whole scheme would have failed long since, nor can the Charleston

and Hamburg Road be paid for or improved except by means of this *common bond*, which alone can keep the company together. We think, too, that this bank, under an enlarged and liberal system of management, will supersede the necessity of a *U. S. Bank*, and be of inestimable value to the trade and currency of the South. The giving up the route by the French Broad River would even now forfeit the Bank charter, which could never have been obtained in favor of a road looking to any other route. Your own reflections will, I am convinced, fully satisfy you on both of these points. Now it seems to me there can be but one danger from the prosecution of our scheme in that direction, and that is, that the other States may not meet us and *coöperate in the work*. But we have laid down the rule of progressing *step by step from the ocean* and applying our own funds *to that part of the road* lying within our own limits. To the road, as far as Columbia, I do not understand you to make any objection. I presume that when we reach Columbia you would not object (should our means permit) that our road should be extended to the foot of the mountains; there it must, of course, stop, if the other States do not put their shoulders to the wheel. But under our charter we have ten years for this; during all this time our Bank will be in full operation. In less than half that time we will have paid for and completed the improvements on the Charleston and Hamburg Road, & pushed our connections in that direction to the Missi/ and the Gulph of Mexico. You will see, therefore, that our plan will substantially accomplish all that you desire, and will do so by means that would not have been at our disposal at all, but for the very measures which we have adopted. Why not, then, harmonize the whole State and cordially coöperate together in the prosecution of our schemes of improvement on the plan here suggested? The only plan, be assured, by which ever *your views* can be effected. I have myself great confidence that North Carolina and Tennessee will in the end make

the road to Knoxville; and *then*, if Kentucky fails to do *her part*, let it for the present stop. You doubt if these States will do anything, and I agree with you that, if they fail, our road shall be confined to the limits of our own State, — and even to that extent it will be of great value to our own citizens. What, therefore, can be the *practical difference* between us, in the present state of the question? What would you have us do that we are not now doing? Would you have us formally resolve to stop the road now going on towards Columbia? and declare beforehand that we will in no event extend it beyond Columbia? If so, we forfeit all our charters at once, put an end to the Bank and the road together, and realize all the calamities which must attend such a disgraceful failure. I am quite sure you could not desire this, and a moment's reflection must convince you that our present plan of operation is *the only one* by which your object as well as ours can ever be effected. I am satisfied that, with *your coöperation*, we *cannot* and *will not fail*, in effecting a connection with the South-West, through Georgia, and in carrying our road at least to the foot of the mountains; its progress further must depend on the coöperation of Georgia and Tennessee. Should your influence be thrown against us, our whole project, in all its parts, *may fail*. But whatever may be the result, I am determined that no efforts on my part shall be wanting to prevent such a calamity. If our whole scheme is destined to fail, the fault shall not be mine. And I can conscientiously declare that I have entered upon this great work with the purest and most patriotic motives; that I have no ends to answer, but to advance the success and welfare of the country, and that I am disposed to go as far as I possibly can, without betraying my trust, to meet the views and wishes of such of my fellow citizens as may prefer another route. Having made this full and frank explanation of my views and feelings, I am not without hope that you may find in them sufficient to satisfy all your doubts & that in

our further measures I shall have *your support*, always valuable, and in this case peculiarly desirable to me. While thus discussing in the spirit of 'by gone times' the points of difference between us *on this subject*, you will allow me to say one [word] on other points. It has been to me a source of much regret that I could not concur with you on some of the political questions which have of late agitated the Country. In those questions and the contests which have grown out of them I have taken *no part*, being persuaded that these things would soon pass away, and that other questions of more vital importance would soon absorb all our attention. I believe that the Abolition question will in a few years assume an importance which will throw everything else into the shade. Have you seen the proceedings & speeches of the late meeting at Birmingham? Have you marked the open interference of the Abolitionists of the North with the Elections? Be assured a *great struggle is at hand*, and we must be *united at home*. Bring the South, I say, *into convention*, and *tender an issue*. This sooner or later must be done, 'or we shall be undone.' Let the *Sub-treasury*, I say, be *settled* one way or the other; let the National Bank be abandoned and thought of as [illegible], & let all other party questions among us cease, and the South be rallied to the defence of our 'altars and our firesides.' In this cause I trust we shall be again found fighting 'shoulder to shoulder,' and that all past differences of opinion will be forgotten.

"Believe me to be as ever

"Most sincerely yours

"ROBT. Y. HAYNE." [1]

This letter throws a light upon the conduct of the railroad scheme which makes much that was obscure quite clear. Hayne states

[1] Letter of R. Y. Hayne copied from original in Clemson Collection, by courtesy of Professor Keitt, for author.

that the result of the Knoxville Convention was to decide that the route of the road "from Charleston to the West was to be through the centre of our own State and by North Carolina and Tennessee," which was certainly the case, and also that the French Broad route had been praised highly by Colonel Gadsden, when connected with the company as engineer. The first indication of discord was the springing on the promoters, at the time when books were being opened, of the Tuckaseege route, discovered by Calhoun and Gadsden, with regard to which it is evident that Hayne considered there had been some reflection cast upon him by the comments of the meeting advocating it, and he then quotes Calhoun as authority for the idea that he, Hayne, and the engineer who had examined the route had been misled by the guide, but as this one was furnished by the residents, he stated he failed to see how he or the engineer were to blame. Subsequently, careful examination seems to have convinced even Calhoun that the Tuckaseege route was impracticable, and Hayne evidently suggested to Calhoun that he would support him for the presidency, as he well could afford to do, on Calhoun's letter to Noble; but Calhoun had required impossible conditions, and does not seem to have been thought of by others, who in Hayne's absence elected him (Hayne). Then began the paper war, which it was vainly sought to appease with the purchase of the Hamburg Road, with regard to which Hayne had declared that he who further opposed must be at heart an enemy to the enterprise. But the war grew only fiercer, and Calhoun resigned. What was he to think of his old leader's action?

Meanwhile, Hamilton having successfully placed one loan in Europe, had returned with $500,000 in specie aboard the ship *Osceola* [1] and interest in the bank absorbed the attention of the public, the stockholders being divided into two parties, one for combining the two corporations under one president, the other

[1] *Courier*, Nov. 3, 1838.

for keeping them apart; and to avoid misunderstanding, Hayne publicly announced that he was not a candidate for the presidency of the bank and had no intention of relinquishing the presidency of the road, in which he asserted his confidence.[1] Those who favored the combination which had been the course taken in Georgia, persisted, and in some way, whether through the rumor of Calhoun's resignation or otherwise, the report got abroad that the railroad was to be abandoned, and City Council passed a resolution to the effect that such "would be a violation of the faith of the State."[2] Calhoun's second letter to Hayne had, in the interim, been written, and must be now considered. "Fort Hill, November 17th, 1838. My dear Sir: I have received your two letters in answer to mine covering my resignation in the direction of the Charleston and Cincinnati Railroad Company. In resigning, it was no part of my intention to embarrass the work or weaken the public confidence in the direction; to avoid the possibility of which, I abstained from assigning one of the reasons which governed me, in my note of resignation. Before the public my resignation will stand exactly where you express a desire it should; but at the same time I thought it due both to you and myself that I should assign the other, which had great weight with me; and such is still my opinion. Either, separately, is sufficient, and the two taken in conjunction appear to my mind irresistible; nor can I see, in any of the considerations you suggest, reasons to change my opinion. My conviction of the failure of the enterprise is deep, accompanied by the belief that every foot the road may progress beyond the point now arrived at in that direction will but increase the embarrassment. You ask what is to be done? That is a serious question, which I am not prepared to answer, but I would say . . . that neither the charter of the bank nor the road ought to be forfeited, nor any understanding or pledge to other states violated, if it be possible

[1] *Ibid.*, Nov. 13, 1838.

[2] *Ibid.*, Nov. 21, 1838.

to avoid it without disastrous consequences. Thus thinking, I would certainly say that if the other states would complete the work within their respective limits, or progress proportionately with us toward such completion, we ought in good faith to meet them on our borders, though I believe that the work, if completed throughout, would not give an income that would keep it up. Other routes, in my opinion having far greater natural advantages, would supersede it. I am aware of the commitments in favor of the route (for I have read everything attentively that has been published in relation to it), and know that it would be embarrassing to make a change. It is far from my wish to increase the embarrassments, but personally I feel none of them. I have been from the first opposed to the route. In reply to a letter from Mr. Williams, who first proposed a connection between Charleston and Cincinnati, I stated that we must turn the Aleghany to the South West, as New York had to the North East, and the Tennessee River was to us what the North River was to New York. With this view I proposed to aim at a point on that river above the Muscle Shoals and below the Suck. Learning afterwards that the Aleghany chain terminated farther East than I had supposed, and that the Tennessee might be struck at a near point higher up and on a shorter route, passing through a more level country, I opened a correspondence with some influential citizens of Georgia, proposing that route as the line of communication between the ports of the two states and the Western Waters, to be opened by the joint efforts of the two. With this view in part, I took Columbia on my way to Washington at the next session, when, as you will remember, I proposed it to both you and Hamilton, but without success. That route Georgia has since adopted, but with a direction looking wholly to her own interests, and not to that of the two States jointly, as might at that early stage have been easily effected. Finding so strong an aversion to coöperate with Georgia, and believing

that the success of the work depended on leaning as far to the West as possible and striking the Tennessee River instead of the Ohio, I next endeavored to find a route over the mountains at some point as far West as possible, without touching Georgia to meet these views. At one time I hoped I had succeeded, but having failed on that, my next hope was that time or experience, before it was too late, would effect a change in public opinion in favor of the views I entertained. With this hope I assented cheerfully to the proposition to purchase the Hamburg Road, as it looked in the right direction, and would afford an opportunity to unite our system of improvement with that of Georgia, to which we must look ultimately, in my opinion, for the completion of the great object we have in view. But inferring from the last report that it is intended to persist in carrying through the enterprise by the route of the French Broad, I felt that a period had been reached when, with my opinion, I could no longer continue, with propriety, a member of the direction. How could I, when I believe to go beyond Columbia, unless with a full understanding that the other States will do their share, will but add to our embarrassment, and that if the road was finished, it would be superseded by the one through Georgia. In confirmation of this I will state a few facts. I learn from the engineers . . . The fact is that the whole road will be executed and the connection with the West completed before we are fairly under way. . . . Now when we take into consideration the greater cheapness, the far more favorable grade, the vast amount of business . . . can it be doubted . . . that the trade of Knoxville itself will pass through it to Charleston in preference to ours, even if it was completed? But you say that no other route could have secured the passage of the Railroad bank Charter or commanded a majority of our Legislature in its favor. Taking the view that you do of the bank, that certainly is a strong consideration; but here, again, it has been our misfortune to differ; one of my objections to

the route was that it could not sustain itself by its own advantages without the artificial aid of the bank, to which I was opposed, among other grounds, because the union of the two powers in the same company, that over the currency and intercourse of the country would be dangerous to our free institutions, in which I pray I may be deceived. But having been overruled, I acquiesced, and wish the institution every success, and I trust that it may prove, as you suggest, the antagonist of a national bank. I fear that your impression that no other route could have got the support of the State is but too true, and I apprehend that it will add another instance to the many others of important undertakings defeated through selfish and local feelings. But I hope in all this I may be in error. I have not stated my views in a spirit of opposition, but simply to place before you the grounds on which I act and to free myself from all responsibility where I cannot have confidence. Should the work go on, I shall wish both you and it great success. We are all in the same ship, and must share alike in the good or bad fortune of the State; and let me add, in conclusion, that you cannot possibly feel more pain in differing from me than I do in differing from you. I shall ever remember the important scenes in which we have acted together with pleasure and the important service that you have rendered the State and the Union. I hope that our differences shall never affect our personal relations, and that those that are passed are the last we shall ever experience. As to what you say of the Abolition question, we do not differ. The danger is great and menacing, and I have long thought and still think that the South ought to meet in Convention in relation to it. You know that such was my opinion years ago. . . . You will recollect I so expressed myself to you, Hamilton and McDuffie at Columbia in our consultation on the subject at the time. Finding different views were taken, I resolved to do my best in Congress. . . . With this view I moved the resolutions of last winter which have in a great meas-

ure effected the object I had in view. Should it finally accomplish what was intended, it may prevent for the present a conflict, but I look only to ourselves for permanent security. I for one am prepared at the earliest period to go into convention and bring the question to an issue. The sooner the better for all parties. . . . I have written you a long and I fear a tedious letter, but I have not said half I desired to do, etc." [1]

Considered by itself, this is an admirable letter both in argument and tone and so considered comes very near justifying the great man who penned it; but when it is analyzed coldly in the light of other statements made by the distinguished author, it fails utterly to do so. In the first place, he apparently admits in this letter that the company ought in good faith to do that on account of which he had in his first letter decided to withdraw from it for fear of its doing. He admits also that in the Tuckaseege route he had failed; but he had distinctly narrowed the choice then to the Tuckaseege and the French Broad route, when confident that the Tuckaseege was the better, and had averred to Noble that upon a survey indicating which was the better, all would acquiesce — "even the selfish would be ashamed to object." Yet a decision in favor of the French Broad, by an engineer in whom he had asserted the greatest confidence, did not have the least effect in removing his opposition to the French Broad route, and simply sent him back after the Georgia connection, which he had abandoned for the Tuckaseege route. He was putting his opinion not only against that of Mr. Hayne, the president of the road, and all the other directors and bulk of the stockholders, but the best engineering talent of the day, which the best of to-day approves. The author of "The Defense of Charleston Harbor," one of the best engineers South Carolina has ever produced, thus contrasts the routes supported by Hayne and Calhoun: "A thread stretched from Charleston to the country in Kentucky, midway

[1] "Calhoun's Correspondence," pp. 412–416.

between Louisville and Cincinnati, will pass almost exactly through these two cardinal points, Asheville and Butt Mountain Gap, in North Carolina. Measuring off at right angles from this air line, the Rabun gap in N. Eastern Georgia is distant to the S. W. 60 miles, laying upon that route the disadvantage of being from 40 to 50 miles longer, and with the Stump House tunnel for additional expense." [1] It should be added that this engineer, later the Reverend John Johnson, was engaged as an engineer by the South Carolina Railroad in examining this very section of country some ten years subsequent to Hayne's surveys. So much, then, for Calhoun's judgment. But now a graver inquiry arises. What of his sincerity? Can one of sound reason believe in the sincerity of the declaration of date November 17: "Should the work go on, I shall wish both you and it great success," when we find that by the following day, November 18, he is doing what he can to discredit it? From a fragmentary letter among his papers appears the following: "Dear Sir: Your letter presents many interesting facts and views. I have never doubted but that our success depended on the coöperation with Georgia, and have throughout acted on that belief." The day previous he had informed Hayne: "Finding so strong an aversion to coöperate with Georgia . . . I next endeavored to find a route over the mountains at some point as far West as possible, without touching Georgia, to meet these views." Characterizing the French Broad route as "a mad project," he counsels his correspondent not to agitate for the charter he has in view, as the "infatuation in favor of the French Broad route is yet too strong," but expresses the hope that the move may be made "in a year." [2] Does this not prove beyond a shadow of doubt that his hope expressed to Hayne that he, Calhoun, might be wrong, and his wish of great success to him, Hayne, and the road, was absolutely

[1] Memorandum, prepared for author by the late Reverend John Johnson, D.D.
[2] "Calhoun's Correspondence," p. 418.

insincere? But there is still graver criticism than this to be directed against this letter than lack of sincerity. Calhoun distinctly declares that one of his "objections to the route was that it could not sustain itself by its own advantages without the artificial aid of the bank," to which he was opposed, among other grounds, because "the union of the two powers in the same company . . . would be dangerous to our free institutions"; and yet within a year, on the death of Hayne, we find him pressing and advocating that very union in the person of Colonel Gadsden,[1] the strongest opponent to the French Broad route, next to Calhoun. This vague fear of evil flowing from the union was, however, so strong with the mass of stockholders about this time that, although the junction of the two offices was advocated by James Gadsden, the chairman, and the majority of the committee of thirteen appointed to report on the presidency of the bank; yet the view of the minority of five, headed by C. G. Memminger, prevailed, and while Blanding, a director in the road, was chosen president of the bank, Hayne, the president of the road, was left off even the Board of Direction of the bank, in spite of his nomination for that position by the City Council of Charleston. In supporting Hayne for the presidency of the bank, Gadsden called on him for an opinion on this point, to which Hayne "made a candid and manly statement of his views of the proposed combination of the presidencies, expressing his approbation of the measure as legally expedient and desirable to produce harmony of action between road and bank, and his willingness, if deemed expedient by the stockholders, to serve in both capacities without additional compensation, and at the same time disclaiming all personal desire for an office which could only increase his burdens without corresponding profit."[2] That after this he should not have been even put upon the board; while, as we have seen, not only Blanding served on both boards but also

[1] *Ibid.*, p. 431.

[2] *Courier*, Nov. 21, 1838.

Hamilton, seems peculiar, especially when we find that in addition to the above, by the account of the *Courier:* "He reiterated the patriotic pledge not to suffer himself to be detached from the road; on the contrary, to devote all the powers which God had given him to its successful prosecution and ultimate consummation." Did that declaration chill the fervor of some of his supporters? Certain it is that the strange omission excited comment from among his friends, as the following chapter indicates.

CHAPTER X

JUDGE KING'S LETTER ON THE BANK ELECTIONS. THE ESTIMATE OF HAYNE AND THE WESTERN ROAD AT THIS TIME IN VIRGINIA. HAYNE'S LETTER CONCERNING THE VOTE TO REJECT THE NOMINATION OF VAN BUREN AS MINISTER TO ENGLAND. HIS POWERFUL INFLUENCE WITH THE SOUTH CAROLINA LEGISLATURE

As subsequent events proved, Judge King stood second, in the estimation of the Board of Directors of the road, to Hayne. At an early and important meeting of the Charleston stockholders he had been selected as their proxy, and his relations with the president throughout were close and cordial. In contrast to the whining criticism, the petty jealousies and the sublime egotism which contributed to wreck this grand enterprise and which heaped burden upon burden on the self-sacrificing patriot, who sustained it unflinchingly to his death, there is something wholesome and strengthening in the letter of Judge King, which is herewith submitted: —

"My dear General: —

"To-morrow morning I start by the Railroad for Columbia to attend the circuit court that sits there on Monday. I am constrained to go a day sooner than I wished in order to secure a seat in a conveyance that will be in time for the court. Had it not been for the melancholy event which has this very day clothed your family in mourning, I should have called in person on you to express to you my deep dissatisfaction at the result of the election of bank

directors. My wish was undoubtedly that you should have been one of the Board, and I cannot but think that some of our friends must have been for the time under a mental delusion when your name was omitted. An opinion was, I understand, very industriously circulated that the offices of Director of the Road and of the Bank were incompatible, and tho I did state to the meeting in the City Hall my clear and unhesitating opinion on the subject, many of the stockholders were — I am persuaded — influenced by the opinion of Judge Colcock, and the argument, as it was called, addressed to a plain man. I do wish I had an opportunity of a half-hour's talk with you. That, however, must await my return. Unless you join us in Columbia early in the week. Most earnestly do I trust that the difficulties through which we have just passed will rise up in the minds of the stockholders, and that they will remember how much they owe you, and that but for you the honors and emoluments for which so many of them are struggling would never have been called in existence. I am, My dear Sir, with the sincerest regards & esteem

"Very truly yours,

"M. King.[1]

"Thursday evening, 22d Nov., 1838."

As the date of the convening of the Legislature approached, it became apparent that opposition to the road was brewing, and the declaration of the Governor in his message, "Cost what it may, South Carolina must achieve this work," was hailed with delight by the *Courier*, which editorialized as follows: "The stand which his Excellency takes on the subject is worthy of his character and patriotism, and will doubtless meet a hearty response from both the Legislature and the people of the State. South Carolina has indeed staked her fame on the prosecution of this noble enterprise, — in this matter there will be with her no shadow of change or turning,

[1] Original letter of Judge King.

— and we look to General Hayne, fixed with a generous zeal and patriotic devotion to the public good, and fully possessed of the confidence of his own state and the other states concerned in the magnificent project, as the honored instrument of its happy and glorious consummation." [1] The report of the chief engineer alludes to illness in Hayne's family, as Judge King had; but for himself he says: "So far from entertaining a doubt of the practicability of constructing the proposed railroad from Charleston to Lexington and the Ohio River, but especially to the North Carolina line, the surveys of the past season, and much reflection on my part, have served to confirm me in the opinion expressed at the first annual meeting of the stockholders at Flat Rock in 1837, not only of the great feasibility of the project, but the far greater facility with which the passage of the Alleghany mountains may be effected by the routes within the limits of our surveys than in any other section of the United States with which we are acquainted." This was the man of whom Calhoun had written, September 7, 1837, that he "had no doubt from the tone of his letter that he would do his duty." Continuing, Major McNeill estimated that at a little more than $3,000,000, in three years, the road should reach the North Carolina line.[2] The indefatigable president was meanwhile, with that tact which so often disarmed opposition, endeavoring in public expression to bring the warring sections together. Responding for South Carolina at the Virginia Commercial Convention, at Norfolk, he offered the following sentiment: "Our brothers of the New England States, of whom the South are justly proud: It is our duty and our interest to cherish the most intimate commercial relations with our Northern brethren as well as other sections of our Glorious Union — not, however, as dependents but on the terms of reciprocal advantage." [3] At this same entertainment

[1] *Courier*, Nov. 29, 1838.

[2] *Ibid.*, Dec. 3, 1838.

[3] *Ibid.*, Dec. 4, 1838.

John Tyler, who had been suggested by a Georgia paper, as has been before noted, for Vice-President, with Robert Y. Hayne as President of the United States, gave this toast: "General Robert Y. Hayne: Distinguished as Senator — distinguished as Governor, but destined to be still more distinguished as President of the Charleston and Ohio Railroad."

To meet the exigencies of the situation at home, meanwhile, a bill had been introduced in the Legislature to allow the Charleston and Hamburg Road to increase its rates and to grant certain lots in Columbia to that company; but the temper of the Legislature seemed to have changed, and was hostile. The bill was laid upon the table. Hayne was to have gone to Kentucky to address the Legislature of that State in behalf of the banking privileges desired for the Southwestern bank; but with the above action of the South Carolina Legislature it was "Resolved: That in the opinion of the Board the president could not proceed to Kentucky without great prejudice to the interests of the company, and that the president be authorized, in conjunction with the president of the Bank, to request C. G. Memminger to proceed to Kentucky, to present the petition proposed to the Legislature." [1]

It is interesting to note that D. E. Huger, so long out of politics, on account of his attitude with regard to nullification, now back in the State senate, was the mover of the resolution "that R. Y. Hayne be invited to a seat in the senate, to give information respecting the bill authorizing a subscription to the South Western Bank." [2] The information was given, and all objections to that and all other legislation desired for the road seemed to have at once vanished. Although the committee of finance of the senate had recommended that the bill advocating this subscription be rejected, it was promptly agreed to and sent to the House. The guarantee of $2,000,000 was made even more liberal in its terms. The

[1] *Courier*, Dec. 11, 1838. [2] *Ibid.*, Dec. 19, 1838.

increased rates asked for and refused were reconsidered and granted; the contract made in London confirmed; the vacant lots in Columbia desired, granted.[1] In spite of the incessant attacks upon the enterprise, it was held firmly in position by the ability of the head. It had weathered storm after storm and survived cabal after cabal. After surveys covering some 2000 miles, it was now under construction, at the end of two years, with but two, or at the most three, instalments, amounting to from 10 to 15 per cent of the subscription called for. Finance, tact and eloquence had achieved much; but, with delay, interest was, of necessity, running and, if the subscribers desired and meant to build the road, something more than 10 or 15 per cent of their subscription was necessary. And this was the condition as the last year of Hayne's life opened. By a narrow margin Memminger had failed to carry the Kentucky Legislature for the banking facilities, although by the press his oratorical effort was accorded unstinted praise, and Hayne, visiting the Southwest for some purpose, not appearing, had, at Jackson, Mississippi, explained to the satisfaction of the press of that city his attitude on nullification. Returning to South Carolina, he had, with Hugh S. Legare, W. C. Preston and others, interested himself to revive the *Southern Review*, and seems to have been placed second only to the scholarly Legare in that direction.[2] At the banquet given in the spring of the year 1839 to the Commercial Convention, his name heads the list, and the toast given in compliment to him by the delegation from Tennessee indicates how growing was the regard felt for him beyond the borders of his native State. John H. Crozier of Tennessee, in behalf of the Tennessee delegation on that occasion, offered this sentiment: "General Robt. Y. Hayne, President Louisville, Cincinnati and Charleston Railroad: He who governs the power of a people to overcome foreign enemies deserves their warmest gratitude and lasting remembrance; but

[1] *Ibid.*, Dec. 21, 1838.

[2] *Ibid.*, April 18, 1839.

he who superintends the energies of states, to bind kindred spirits closer in the bonds of friendship, deserves all that head and heart can bestow." [1]

It is a striking coincidence that in this, the last year of his life, when striving to uphold the great railroad to the West, in opposition to the view of that great Carolinian, of whose policies in the most critical part of his career he, Hayne, had been the warmest defender and ablest supporter, discussion should have turned upon one of the few acts of his life for which he must be condemned, in spite of the loyalty to that leader which it displayed. By the merest chance the knowledge was forced upon the public that, had Calhoun been willing to take Hayne's view in that instance, much that subsequently embittered his own life and interfered with his advancement might have been avoided. On account of the comments of the press at this time concerning his vote against confirming the appointment of Van Buren as Minister to England, Hayne was obliged to indicate how faulty Calhoun's political sagacity had been on that occasion. Alluding to that vote, Benton says that Calhoun, who as Vice-President cast the deciding vote, declared the rejection would kill Van Buren, while it in reality made him Jackson's successor. Hayne's letter shows that he thought the opposition unwise, and that it would effect just that, but his own statement of the matter should be put before the reader. The advocates of Clay and Van Buren for the Presidency were quoting him, and it was necessary for him to put the matter straight. The following is his letter: "Having withdrawn myself entirely from public life and standing aloof from the party contests of the day, it is with great reluctance that I find myself constrained to notice the allusions in your paper of yesterday to my vote and remarks in the Senate of the United States, on the nomination of Van Buren as Minister to England. Your correspondent quotes a part

[1] *Courier*, April 19, 1839.

of my speech on that occasion, in which I stated 'that if I were a juror in the box, sworn to give a true verdict on the issue made up between Martin Van Buren and his Country, I should feel myself constrained to give that verdict against him.' On that you remark that 'it was party opposition that prompted the proceeding against Mr. Van Buren, and to that cause may we ascribe the ferocity of the warfare waged against him. To say the least, it was an unwise and impolitic warfare, and we know that it was against the judgment of one of its distinguished supporters, to whom our correspondent alludes. He predicted the result with unerring sagacity; he foresaw that it would be an element of Mr. Van Buren's success, and yet the exigencies of party arrayed him in debate against his deliberate judgment.' Without further explanation it might seem that I had on this occasion expressed opinions that I did not entertain and pursued a course which was contrary to my own conviction of what was right. Now the truth is that the nomination of Mr. Van Buren as Minister to England was seized upon as a suitable occasion for making up an issue between the two parties as to his merits as a member of General Jackson's administration. His whole conduct, and especially his instructions to Mr. McLane in relation to the West India trade, came up for discussion and for condemnation or approval, and the vote was regarded as a test question between the parties. In my deliberate judgment it was unwise and impolitic in the opposition to make up such an issue on the question then before the Senate. I believed, as it has turned out, that the rejection of the nomination would make Mr. Van Buren President. My political friends thought otherwise; the issue was made up between the parties and Mr. Van Buren put upon his trial. Compelled to take ground upon one side or the other of the issue thus presented, I acted in conformity with my own convictions in giving my verdict against him. The grounds on which I then acted are fully explained in the speech delivered by me on that

occasion. This explanation is due to myself and to the truth of the case. In the controversy now going on between the friends of Mr. Clay and Mr. Van Buren, I take no part. I am otherwise and, I trust, better employed." [1] As has been before pointed out, the grounds upon which Hayne had based his vote for rejection, viz. Van Buren's responsibility for a breach between Jackson and Calhoun, were insufficient; but when we realize that Hayne then thought the rejection impolitic, while Calhoun, according to Benton, had said in his presence: "It will kill him sir; kill him, dead—" [2] the result surely should have been something of a lesson to Calhoun as to the fallibility of his judgment occasionally; and brought up at this time was a powerful argument against his opposition to the French Broad route; for it was an illustration of how wrong he could be. Unfortunately, with many great and noble qualities, Calhoun had the usual failing of a strong mind, a belief in himself which nothing could shake. The French Broad was, in his opinion, the wrong route, and hence he spared no effort to hamper it, even while connected with it. His resignation seems almost to have been thought by him sufficient to stop the work; but as it did not, beneath the shelter of his name and fame, enemies again attacked it from various quarters. Especially one Brisbane, who had been employed at one time by the Louisville, Cincinnati and Charleston Railroad, quotes Calhoun as favoring a junction with Georgia, and denounces the French Broad route as "an incubus." In reply to him a writer asserted that so far from there being any possibility of a junction, that the stockholders of the Athens Road had ordered a gauge of two or four inches narrower to prevent it.[3] These pieces so filled the papers that Hayne felt obliged to enter into some discussion of the road prior to the approaching annual meeting. But in the meantime it was apparent from other communications that the

[1] *Courier*, April 27, 1839. [2] Benton, "Thirty Years' View," Vol. 1, p. 219.
[3] *Courier*, May 21, 1839.

Hamburg Road was not prospering as it should, and the complaint was freely made that the charges on handling cotton in Charleston were driving trade to Savannah. On only one item did the charge for Savannah exceed that stated to be the charge at Charleston, viz. insurance 19 cents a bale, while the excess of charges for wharfage and drayage made the handling so much more expensive for the consignor to Charleston as to have inevitably driven some trade away. It is unnecessary to go into the details and accurately balance accusation against defence; it was apparent that there was something in the complaints; and so while Charleston was striving for direct trade with Europe, and Hayne and his associates struggling to push through the great Western Railroad, she was failing to use, to the greatest degree, the advantages that she already possessed. The picture presented of this far-sighted statesman bending every energy to carry through this projected road, to secure for his section the market without which their dreams of direct trade with Europe would dissolve as a mirage, and those whom he strove so earnestly to help permitting this ham-stringing process to go on from year to year, is not pleasant. Finally, in July, Hayne replied, denying the "reports most industriously circulated, . . . that all idea of pushing the railroad further than Columbia, the capital of South Carolina, has been given up." Entering into some detail, he showed what had been done. How the Charleston and Hamburg Road had been improved, and the confident expectation "that under its improved organization the future receipts of the road will afford a satisfactory profit on the amount invested in it." He stated that the entire 66 miles from Branchville to Columbia was under contract, and a large part had been graded and that it was expected by the winter that the portion from Branchville to Orangeburg would be in operation. Two-thirds of the price of the Hamburg Road had been paid, and a bank established which in six months had paid a dividend of 8 per

cent;[1] while no further instalment would be called for before October. Yet in spite of this plain statement, the publications continued, until, all out of patience, the *Mercury* declared it not surprising that "a suspicion was entertained by our country friends that there is a party in this city who are predetermined not to suffer the road to be carried beyond Columbia."[2]

[1] *Courier*, July 12, 1839. [2] *Mercury*, Aug. 16, 1839.

CHAPTER XI

INDUSTRIAL CONDITIONS IN SOUTH CAROLINA IN 1839. IMPORT AND EXPORT TRADE, NORTH AND SOUTH. SOUTH CAROLINA AS VIEWED BY HER OWN PRESS. THE SLAVE TRADE

BEFORE taking up the last act in the life of Hayne and attempting a description of the battle which was joined by the representatives of the two contending factions of the stockholders, upon the reading of the president's report of 1839, most fittingly concluded with the announcement of his death and the apparent contemporaneous collapse of the great enterprise, some consideration of the then condition of Charleston and the State whose future was so dependent upon the success of this project must be attempted. It was almost twenty-one years since Hayne had made his great speech in the South Carolina Legislature against the unrestricted importation of slaves from other States, in opposition to the advocacy of the same by McDuffie. The cultivation of cotton had been tremendously increased, and in the year 1838 South Carolina had raised for the market 220,000 bales, about one-sixth of the total crop. Although of smaller area than either Georgia or Louisiana, she had slightly exceeded both, but had been greatly surpassed by Mississippi and slightly by Alabama. Of the half million bales harvested in the South Atlantic States, Charleston had, through the Charleston and Hamburg Road, the best facilities for marketing; but we have seen that there were complaints as to the expense of handling, and certainly there was one argument in support of this claim hard to brush aside and of profound importance at this

juncture. We have seen that the property had been bought at a liberal price; and, without regard to expense where efficiency was concerned, had been put in thorough order with the reasonable hope of greatly increased freight. In the amount received from passenger fares this had been borne out, and the slight excess received in the travel one way had been to Charleston. For the carriage of United States mail the increase had been 33 per cent, and the freight for the half year, out of Charleston, was what could have been expected, $59,203.39. But when an examination was made of the freight to Charleston, in spite of the magnificent cotton crop, there was a most unaccountable falling off, the freight to Charleston for the half year amounting only to $17,306.45.[1] Charleston simply was not getting the cotton by the road, if she was getting it at all, which was a question, and coupled with the complaints of the previous year it looked as if port charges were killing the business of the port.

A consideration of tax returns for the year gives some idea of the condition of Charleston, its business and the character of its population. The real estate, valued at $13,031,698,[2] yielded $52,126.79 in the way of tax. Sales amounting in the year to $14,114,285 yielded a tax of $28,228. Two hundred and twenty-three coaches were returned for taxation, and each at $25 yielded $5,575. With regard to the less pretentious vehicle of the leisure class, only 74 carriages were returned taxed at $12.50 apiece, and bringing in $925; while of the modest two-wheeled chairs but 89 were returned, which, taxed at $6 apiece, brought in $588. With regard to horse flesh, 793 horses were returned for taxation and, taxed without regard to value at $6 apiece, yielded $4,758. Dogs, however, were returned at differing values, 503 at $2 apiece, 46 at $3 apiece and one at $5, a total dog tax of $1,149. The slave tax yielded $26,548, 446 being taxed

[1] *Courier*, Aug. 14, 1839. [2] *Ibid.*, Aug. 22, 1839.

at $5 apiece, 7,881 at $2.50 apiece and 3,171 at $1.50 apiece. Of the free colored persons residing in the city, 445 paid the assessed tax on such, 76 mechanics $10 apiece, 44 laborers $8 apiece and 25 males under eighteen years of age $5 apiece. In addition to this, 242 described only as free persons of color, over eighteen years of age, were taxed at $5 apiece, while 40 under eighteen paid only $3 apiece. Judging from the number of free colored persons residing in the city, some one thousand and over must have escaped this tax. The large number of coaches should not be considered as simply the ostentatious vehicles of the wealthy; numbers no doubt represented the vehicles of transportation agencies. In addition to the above, a tax on incomes, returned at $910,925, gave $4,554.62. Whatever may be said of this *ante bellum* Southern scheme of taxation, in contrast to the perniciously deceptive Northern scheme of uniform rate, which Reconstruction imposed and short-sighted legislation has retained, something like 70 per cent of the taxation was borne by the wealthy. Real estate at 4 mills, and slaves on a per capita supplied 60 per cent, and articles in their nature pertaining more to luxuries than necessities furnished another 10 per cent. Sales at only 2 mills yielded about 20 per cent, leaving apparently only about 10 per cent to fall upon the humbler classes. If this scheme prevailed throughout the South, there is no reason to wonder why the poorer classes supported the slave-holders as faithfully as they did. With regard to exports, the contention of Hayne and others who had fought so valiantly for tariff reform seemed verified in the volume which went out from the Southern ports, in 1838, footing up in value for South Carolina $11,042,070, surpassed only by Louisiana and New York, the total value of exports from the South rising to $65,000,000 as against $40,000,000 from the rest of the country. The Mississippi gave Louisiana almost half of that which went out from the South, and New York's magnificent

canal system was probably the main cause of more than half of that passing out there from the North. But when we consider the imports, Louisiana, with the Mississippi to help her to more than a local market, was the only Southern State the value of whose imports, $9,469,808, could compare to that of her Northern competitors, and even she fell behind Massachusetts, with her $13,300,925, and far below New York, with her immense volume, $68,453,206. South Carolina, the second Southern State in this list, did not import goods of one-half the value of Maryland, the least of Northern importers; while the combined importations of Virginia, Georgia and Alabama did not equal that of South Carolina. With the reform of the tariff a flood was pouring in. From 1824 to 1831 the excess of value of imports over exports had amounted to $11,000,000; but in the succeeding seven years it had increased to $188,000,000,[1] bringing about the condition of affairs old Charles Pinckney had warned against, in 1819, when he had declared in Congress that a country mainly agricultural, and without mines of the precious metals, could not have its imports greatly in excess of exports without financial disaster. Of all the Southern statesmen striving to assist their section, none seemed to appreciate this, and none as clearly as Hayne, the other truth, that without more than a local market the volume of imports could not grow with the exports; but in addition he had also pointed out the supreme necessity of meeting the effects of the wasteful cultivation and speedily worn-out lands, incidental to slave labor, with some other mode of utilizing capital and affording employment to retain population, drifting away. The State censuses of Georgia and South Carolina of this year proved his claim only too truly, that the ordinary individual will not bother with the slow process of renovating exhausted land, when fresh virgin soil is in easy reach. While the white population of Georgia

[1] *Courier*, Oct. 18, 1839.

had increased over 200,000, that of South Carolina in the same time had only risen 6,236. The emigration he spoke of was proceeding steadily, and probably, as is usually the case, taking off the most virile. The people of South Carolina were still a brave, high-toned, honorable population in the main; but there seems to have been some evidence that they were not of as strong a fibre as they apparently had been prior to and just after the War of 1812. They seemed to have lost some elements of strength which the people of the States on either side of them seemed in a greater measure to have retained. Considering the wealth of Charleston, the inhabitants, in the opinion of the local press, had not made the efforts in behalf of their railroad which the smaller town of Wilmington had for theirs. The two morning papers of Charleston were fine representatives of the journalism of the day. They criticised their constituency, and did it intelligently and patriotically in the effort to arouse the people. While giving a fair hearing to both sides in the controversy now raging over the great Western Road, they pointed out that Wilmington, while much smaller and poorer, was making an effort (out of all proportion to that which Charleston was making for the Louisville and Cincinnati Road) in behalf of the Wilmington, Roanoke and Charleston Railroad, of which 130 miles had been completed, and so (while unnoticed), with the connection with Northern lines, a still stronger hold on importation would be secured by the Northern ports. Commenting on the formation of the Georgia Historical Society, under the presidency of the Honorable John M. Berrien, the *Courier* inquired, "Would not our city do well to follow the example of her Southern sister?" But the frank criticism which follows involves much more than a question confined to literature or history. Says that paper: "We are sadly deficient in literary spirit and enterprise, and lack steadiness of purpose in support of institutions for the encouragement and diffusion of literature and art. Our

Academy of Arts has long since had its obituary written, and its successor, the Academy of Art and Design has, we fear, perished in its birth. Our Literary and Philosophical Society and our noble Charleston Library are dragging out a languishing existence. Our *Southern Literary Journal* has gone to the tomb of the Capulets, etc." [1]

Without possibly any bearing on this, or probably involving the Northern as much as the Southern merchants in whatever of condemnation was due, nevertheless, the same issue of the paper published an extract from the *New York Journal of Commerce* to the effect that twenty-three vessels, under the American flag, had sailed about that time from Havana on the slave trade.

It has been shown that the very day following his last letter to Hayne wishing the road and himself "great success," Calhoun had expressed the hope to one interested in another route that within a year "the infatuation in favor of the French Broad route" might have weakened sufficiently to allow that "the move you desire may be made with advantage," and expressed his belief that that "in time would be the great route." This did not prevent him from expressing the opinion some months later with regard to the Georgia road system, that it opened to the States as high up as Illinois "the cheapest and safest route at all seasons, not only to the Atlantic portion of the Union, but also to the general markets of the world." [2] If the Louisville, Cincinnati and Charleston Road could ever push through North Carolina to Tennessee, it therefore appeared that Calhoun's reputation as an adviser in matters industrial would be practically destroyed; for he had put himself in absolute opposition to it, and, with anything like success for it, there would be inevitably a loss of prestige to him who had fought it so continuously.

[1] *Courier*, Aug. 27, 1839.

[2] "Calhoun's Correspondence," p. 430.

CHAPTER XII

THE LAST MEETING OF THE STOCKHOLDERS OF THE LOUISVILLE, CINCINNATI AND CHARLESTON RAILROAD WHICH HAYNE ATTENDED. THE CONTEST AT THE MEETING

On September 16, 1839, the last meeting of the stockholders of the Louisville, Cincinnati and Charleston Railroad Company, at which Hayne was present, was held at Asheville, North Carolina. He was then suffering with fever, with which he had been stricken the day previous, and which the stormy meeting aggravated. His third annual report was described as an able and elaborate document, exhibiting the transactions of the company for the past year, the progress of the construction of the road between Branchville and Columbia and the success of the surveys between Columbia and Butt Mountain, with a view of the proposed location of the route, should it be deemed advisable by the stockholders.[1] Maps and profiles of all routes from Columbia to the mountains were also exhibited by the chief engineer, Major McNeill, which reflected much credit on engineers Cheeseborough and Scott, employed in that special capacity. From the outset it was apparent that there was an acute difference of opinion; but from the newspaper reports of the day it is difficult to locate the position of all the many speakers with exactness. The debate was spirited and at times acrimonious, and after Hayne's withdrawal, after the first day, on account of his increased illness, it raged with but little intermission for two or three days. As

[1] *Courier*, Sept. 19, 1839, *et seq.*

well as can be gathered from the rather disjointed account, Colonel Gadsden led the assault, and Mr. Alfred Huger as unreservedly defended the course of the company. Judge D. E. Huger defended the action of the company also, but in a more apologetic tone, and Vardry McBee of Greenville, and Clingman of North Carolina, were on the same side. Mr. C. G. Memminger, although in the past somewhat closely identified with the work, seems to have been more of a critic than a defender. I. E. Holmes appears to have attacked, while Elmore and Mitchell King defended; but what was the position of Henry A. Middleton, personally very close to Hayne, is difficult to gather from the newspaper comment.

On the convening of the meeting, Joseph Carson of Rutherfordton, North Carolina, was called to the chair, Vardry McBee, of Greenville, South Carolina, was put at the head of the committee to verify proxies, and on motion of Congressman I. E. Holmes of Charleston District, the president's report was referred to a committee. Mr. Holmes stated that he represented a large proportion of the stock held in Charleston, was in favor of a thorough investigation and for going on with the enterprise, if it was found consistent with the honor and interest of all concerned, but was desirous of suspension of the work, if necessary, to avoid bankruptcy and ruin. As to the constitution of the committee, he differed with Judge Huger, who declared great differences of opinion existed, and who stated that he favored proceeding formally, in order to allay excitement; he therefore opposed the motion to refer the whole report and all papers to one committee. The president, on request, then entered into explanations with regard to some of the principal items, and Major McNeill, the chief engineer, being called upon for an explanation why the cost of the road above Columbia was by estimate less than below, his replies seem to have been accepted as reasonable. On further inquiry,

the president stated that there had as yet been no forfeiture of stock for non-payment; that subscriptions out of the State were so far only available for surveys; that the purchase of the Hamburg Road had entailed an expenditure of $2,800,000; that the company had no pledge of any further contribution from North Carolina in the event of the road being extended to the State line, and depended upon the good-will and grant of banking privileges from that State. The engineers estimated the cost of the road from the State line to Knoxville to be about $4,000,000. This ended the first day, the correspondent of the *Courier*, in conclusion, stating that some sixty or seventy persons were in attendance, and some anxiety felt at first that the road west of Columbia would be abandoned; but that, at the close of that day, the friends of the road had acquired more confidence.[1] On the 17th the meeting reconvened, and McBee reported 56,929 shares represented. Clingman moved now the reference of the president's report, with all accompanying documents, to a committee of thirteen, with power to call officers before them and examine them upon the various matters. Judge Huger seems again to have opposed the reference of everything to the same committee. Clingman's motion seems, however, to have prevailed; and yet he was not of the committee, which consisted of D. E. Huger, Blake, Middleton, Ervin, Daniel Campbell, Holmes, Alfred Huger, Robertson, Earle, Memminger, Woodfine, Gadsden and McBee. Apart from a description of the president's report, which states that it was able and elaborate, recommended economy and a single-track railroad with turnouts every five or six miles, nothing is obtainable, and as a part only of the report of the committee of thirteen ever saw the light, the investigator must pick his way with caution. The committee of thirteen seems to have been divided into sub-committees, thereby bringing about what Judge Huger was contending for, and to him had been

[1] *Courier*, Sept. 21, 1839.

assigned the preparation of a general report for the committee, which seemed to have been in the nature of an adjustment or compromise between the warring elements. It disclosed that the company had to find $1,500,000 in twelve months. He stated that inasmuch as the property of the country at the inception of the project had been worth double what it was at the time he was speaking, and the country had been agitated by the revulsion from one end to the other, it was surprising to him that the company had accomplished as much as it appeared it had, and that as an American, a Carolinian and a Southern man, he hoped the work would ultimately be carried through, as he considered it the greatest ever attempted in any nation. Apparently at least two reports from the sub-committees were before the meeting, and it would appear from that of which C. G. Memminger was chairman, after several subsequent corrections in subsequent publications,[1] that the sum total of the three instalments, 15 per cent of the subscription collected, amounted to $787,503, to which was added $10,000 from the earnings of the Hamburg Road, and $2,217,227 borrowed from the banks of the city of Charleston and obtained by sale of bonds guaranteed by the State. In the three years in which the enterprise had been pushed, there had been expended for the engineer's department, for surveys, instruments, office expenses, salaries and contingencies, $265,751. On account of purchase of the Hamburg Road there had been paid $1,590,160 principal and $54,354 interest, and $214,528 expended in repairs and improvement. That on the construction of the road from Branchville to Columbia, $328,704 had been paid out for work and $2,803 to secure rights of way. That for the negotiation of the European loan by which the company had received $1,383,629, the agent had been paid $20,336. That a dividend amounting to $10,336 had been paid, and $13,825

[1] *Courier*, Oct. 8, 22, 1839.

refunded the stockholders of the Hamburg Road, and one-half of the amount loaned by the Charleston banks for purchase of the Hamburg Road, $377,656, had been repaid. That there was due and payable still on the Hamburg Road $795,000, which had to be met in three months, with interest charges on this and other accounts amounting to $111,300. That there was due the Charleston banks $344,000: for iron, $255,000; and for construction account under contract, $552,696; and to the banks of Columbia, $40,000. It was estimated that on the semi-annual interest payments for the $2,000,000 bond guarantee, shares not yet secured from the Charleston and Hamburg stockholders, engineers' department and salaries, there would be due $144,776; and to complete the road to Columbia, in addition to outstanding contracts, $584,304. The resources of the company, cash in hand and bonds guaranteed by the State, were put at $715,821, under which, however, $41,516 was not available for work in South Carolina. By estimating $210,000 as the response, seven instalments would be necessary to meet existing engagements, and three more, which thirteen is mistakenly called a total of eleven, to carry the road to Columbia. But to offset this, the thirteen, at $5, are described as representing $75, when they only represented $65, and the claim, therefore, at the end of this report that it establishes the proposition that 75 per cent of the subscription was necessary to complete the road to Columbia, is not borne out by the figures. As, in the opinion of Mr. Memminger, in the condition of the country, it would be vain to call for these instalments, his advice was to borrow the necessary amount and press on the work to Columbia. In conclusion, the report says: "Your committee have deemed it their duty thus to spread before you as full and clear a view of the premises as their limited time would permit. It is more than probable that some errors may be found in the statements so hurriedly prepared from the imperfect material in their reach; at all events, they trust

they will at least tend to a more thorough understanding of the affairs of the company." While this was a very frank admission, the report, in spite of all subsequent corrections, was injurious and misleading. Instead of leaving only $1,050,000 of stock not called for, with the road completed to Columbia, on his basis of calculation, it really seems to leave $1,470,000, with the earnings of the completed road running from Augusta and Columbia to Charleston, to supply the estimated $310,000 additional needed to carry it to the North Carolina line. But why was 42,750 made the basis of the shares held in South Carolina, when the South Carolina subscriptions totalled 60,000? It may have been entirely the hard times which had caused the stockholders to become delinquent in their third payment to the degree which appeared; but when we realize, as an inspection of the statement reveals, that, although the hard times had arrived, between the first and second instalment the South Carolina stockholders had subscribed for and paid for the second instalment, on over a million additional shares, there is some reason to suspect, as the *Mercury* had charged, that there was a party who were "predetermined not to suffer the road to be carried beyond Columbia." It must be admitted, in all fairness to the South Carolinians, that the effort or lack of effort in behalf of the road outside the State of South Carolina was calculated to dishearten its supporters. The Kentucky subscribers had not paid but the first instalment, while the response of North Carolina had shrunk more than 50 per cent from the first to the third instalment; yet South Carolina had undertaken the project, with the full knowledge of this lukewarm interest, and to her the road was of more vital interest.

There seems to have been at least 10,000 shares represented at the meeting, which had not paid the third instalment, yet the meeting was in a captious mood. Criticism was directed against the contracts given to planters to be executed with slave labor.

Why, it was asked, had not this work been given to Northern contractors, who had offered to execute it at a price 12½ to 15 per cent cheaper? The answer was comprehensive. The planters objected to imported free labor being brought into contact with their slaves. This was unfortunate; but the company could not antagonize an element which practically controlled the State; and, in addition, they had in many instances given the right of way. But further still, when the chief engineer obtained the floor, he challenged the correctness of the charge. Finally, a preamble and resolutions were offered, which, reciting the disturbed condition of the country, declared, without the united assistance of the States, through whose territories the road was to pass, the work could not be accomplished, and, unless they coöperated, the company would be unable to progress with the enterprise, and the debate then became very animated. Judge Huger was desirous that facts not in the reports should also be known by the public. Mr. Clingman proposed that both reports should be laid upon the table, as otherwise, he said, he would be called upon to vote regarding facts he did not understand concerning the statement of which it was admitted there were errors and different opinions. Mr. Holmes hoped both reports would be published. Mr. Clingman pointed out that the engineer had recommended Branchville as a proper place for junction with the Hamburg Road, and that the president and directors had adopted it; but that one of the reports stated that another point would have been better. This brought Colonel Gadsden to his feet in advocacy of the adoption of that report, although he thought too much had been published. He said much would come before the directors, as they had investigations to make and errors to correct which ought not to be published, the resolutions being all that it was needed to have published. Continuing, he declared that if there were errors in the report, if gentlemen would point them out, he would correct them. He

claimed he had long seen the difficulties of the company, and he did not believe it had the means, unless the State would furnish them. Mr. Clingman moved to table both reports, to avoid further discussion. Judge Huger observed that the reports had been read and resolutions agreed to. He regretted any misunderstanding. Mr. Alfred Huger said he was displeased in part with both reports and had reserved the right to dissent from both. In doing so, he felt he was in the performance of a duty to the nation, if not to the world. He had ventured in the enterprise his character and a part of his property. He believed the locomotive the greatest of agents in the promotion of security and civilization. It was impossible that in such a stupendous work some errors should not occur; they were incidental to the very nature of the work. He was in favor of laying both reports upon the table, as best calculated to preserve harmony. Mr. Memminger said, if there were any good reasons, he was willing that the reports should not be published; if there were errors, he would correct them; the facts, however, were necessary for all interested — for the public and the State. Mr. Middleton said, gentlemen had admitted that errors were inseparable from such work, but yet were unwilling that a report should candidly publish them. He was willing that any errors should be corrected, but thought that candid statements of the errors of the company or its agents should be made. Colonel Gadsden claimed that the contracts below Columbia had been too high; that the directors ought not to have given planters more than Northern contractors would have worked for. He suggested that transcripts of the reports might be sent to the Legislature without sending the whole. He thought the salaries of the engineers too high; he asserted that $210,000 had been spent in that department; but while that was the case, the report had complimented the engineers. Messrs. Huger and Clingman pressed their motion to table, but it was negatived. Finally, on the third

day of the meeting, after "considerable sparring," [1] it was decided, on motion of Mitchell King, that so much of the report of the committee of 13 as related to surveys between Branchville and Columbia be struck out, and on motion of Judge Huger, that the report be laid on the table; that 500 copies of the director's report, with the accompanying reports of chief and resident engineers, and those parts of the reports of the committee of 13 which related to the finances and the proceedings of the convention, be printed under the direction of the president and directors. The president and board were given wide discretion to do what they could to press on the work as economically as possible below Columbia and, in the last resort, to appeal to the State to enable them to make the last payment for the Hamburg Road. It was also decided to meet again on December 4, at Columbia. A letter from the correspondent of the *Courier* throws a little more light on the meeting, and contains an allusion which is pregnant with suggestion of an inpiration otherwise not touched upon. "We have just closed a most interesting meeting of the stockholders of the Louisville, Cincinnati and Charleston Railroad, from which, no doubt, great good in the future management of the concern will arise. We have resolved to suspend all surveys and operations beyond Columbia, and to limit, for the present, the work on the road to that place consistently with our means and existing contracts. There will be an adjourned meeting of the stockholders on the 4th of December at Columbia, where measures will be adopted, with the assistance of the Legislature, to meet all the obligations growing out of the purchase of the Hamburg Road, which, however wise as a measure, has unquestionably deranged our finances; as the purchase was approved, however, by the State it is not to be doubted (she being a party largely interested in the compact) that she will furnish the aid necessary to the consummation. We

[1] *Courier*, Sept. 19, 1839.

should progress much more harmoniously in our operations and with a more single eye to the success of our objects, if politics had not insinuated itself into all of our proceedings; and a spectator present at our deliberations and investigations would have imagined our simple meeting of stockholders a Legislative body settling and adjusting all the conflicting interests of a political community, with all the out-door and lobby influences distinctly distinguishing such legislation. If it be important to separate Banks from State, it is equally important to separate politics and its undercurrent from the concerns of such a corporation as the Louisville, Cincinnati and Charleston Railroad Company. Their object is to build a road in the cheapest and most durable manner and, in the employment of competent engineers, agents, contractors, etc., these considerations must govern, or the president and directors must be regardless of their responsibilities. To them alone we must look, and the basis on which the stockholders have now placed it will now make that body and its head more sensible of the fact that in them alone we confide.[1]"

[1] *Courier*, Sept. 21, 1839.

CHAPTER XIII

HAYNE'S DEATH AND THE COMMENTS OF HIS CONTEMPORARIES THEREON

FIVE days after the adjournment of this meeting, Hayne died of the fever which had gripped him the day before the gathering together of the opposing forces. The announcement of his death was conveyed to the *Courier* in a letter from Major McNeill, which stated, "He was almost to the last moment perfectly sensible of his approaching end, and yielded to his destiny with that Christian and becoming fortitude which throughout life characterized him." In the same letter was conveyed the information that the pall-bearers were Major McNeill, Count de Choiseul, Frederick Rutledge, Honorable D. E. Huger, Mr. Ogilby and Henry A. Middleton. With the family were Judge Cheves, Mitchell King, Mr. Edwards, the treasurer of the company, E. Cheeseborough, resident engineer, and Messrs. Lowndes and Blake. Thus passed away, in his forty-seventh year, the only man who, since the death of William Lowndes, was strong enough before the South Carolina public to hope for any success when differing from Calhoun. The announcement of his death was made in Charleston, on September 30, and in the *Courier* of that date appeared a moving tribute to his hold upon all classes of the community. Opposed to him during nullification, that paper, nevertheless, declared, "At an early age he was borne into public life, on a flood tide of popular favor, and retained it, without ebb or abatement, to the hour of his death." Speaking of the great railroad project, it said: "It was in

upholding the interests of this noble undertaking, once so fair in its promise of a glorious destiny, to his cherished and cherishing city, but now tottering under the pressure of the monied embarrassments of the civilized world, that he encountered the fatal disease which has consigned him to a grave in a strange land." [1] Space does not permit of more from this heartfelt eulogy which was an epitome of his career, but mention must be made of some other comments. James L. Petigru, his most brilliant opponent during the nullification episode, wrote to a friend under the same date: "The death of General Hayne has cast a gloom upon the situation of our affairs. His loss is as deeply felt as that of any person in our community could have been, perhaps more generally than that of any other man. He was not quite 48 years of age, and had the most uninterrupted career of success which any person in my time has enjoyed." [2] The *Pendleton Messenger* declared his death to be "a great public calamity." [3] The *Columbia Temperance Advocate* said, "He reflected back upon his country the honors she so freely gave him." The *Columbia Telescope*, in a more critical review, stated: "His talents were not of that intense brilliancy which too often dazzles rather than guides, an excellent judgment stamping his opinions with the impress of usefulness and practicability. As a speaker, without perhaps the power of rising to the sublimest heights of oratory, he was always pleasing, copious, persuasive and full of his subject. In person he was graceful and in manners agreeable. His public and private life were both without reproach. His devotion to his state was incorruptible." [4] The Norfolk, Virginia, *Beacon* said of him, "There was nothing little about him — he would not turn on his heel to secure the highest political office of the Fed-

[1] *Courier*, Sept. 30, 1839.
[2] *News & Courier*, Feb. 11, 1900. Life of James L. Petigru.
[3] *Courier*, Oct. 5, 1839.
[4] *Ibid.*, Oct. 7, 1839.

eral Government," and of his proclamation, in response to that of Jackson, it declared: "A more able and eloquent paper was never issued by any statesman of our times. . . . And in the last great cause to which he devoted his talents, what tongue can tell the value of his services and his name? He may be said to have fallen a martyr to the cause. . . . The South will mourn in his death the loss of one of her most useful citizens, one of her most eminent statesman, one of her purest patriots." [1] The *St. Augustine News* declared that "to South Carolina his loss was irreparable and to the nation a calamity." [2] B. F. Porter of Tuscaloosa, Alabama, in a most eloquent tribute to the dead Carolinian, at a public meeting of citizens at that place to express their sentiments, declared, "He was the Bayard of his age, and lived without fear, as he died without reproach." [3] But perhaps the most fitting allusion to Hayne's death was that which was pronounced by the Honorable Thomas Butler King of Georgia, at the close of the Merchants' and Planters' Convention at Macon, Georgia. Senator King said: "I cannot, in justice to my own feelings or to this convention, withhold the expression of an opinion that it is a duty we owe to ourselves and to our country to pay a melancholy tribute of respect to the memory of one who, were he in life, I am sure would be among us, imparting to our counsels the mature wisdom of his unrivalled intellect and the ardor of his exalted patriotism; but he is gone; 'the silver cord is broken,' and his pure spirit has returned to God who gave it. It is, I am sure, not necessary for me to say that I allude to the late General Robert Y. Hayne, the fearless and talented defender of Southern principles and Southern rights; the untiring promotor of Southern interests; the unwavering patriot and devoted friend. In all that concerned our prosperity, our happiness and our liberty, his bright

[1] *Ibid.*, Oct. 7, 1839. [2] *Ibid.*, Oct. 21, 1839.
[3] *Ibid.*, Oct. 25, 1839.

genius and ardent patriotism placed him among the foremost of the gallant leaders in our land. But, sir, he has fallen, and I doubt not, as he ever wished to fall, in the cause of his country. Not, it is true, on the battle-field; but in the faithful discharge of those arduous civil duties which, while they characterize the true patriot, are calculated to elevate his country to the highest pitch of prosperity and renown."[1] Such was the language of those who from time to time at various periods of his life had been thrown into contact with Hayne not of the closest; yet one cannot fail to note how spontaneous seem to be the tributes to his lofty qualities of mind and heart. But those closer to him seem to have rated him even higher, and the preamble and resolutions passed by the Board of Directors of the great railroad enterprise, at the head of which he had been placed, men fitly representative of different parts of South Carolina, North Carolina, Tennessee and Kentucky, indicate in their expressions the profound impression he had made upon them. But before reciting them it should be mentioned that, upon the announcement of his death, at a meeting of the City Council of Charleston, it was decided to raise a monument to him in the city square.[2] Committees were appointed, and $100 appropriated for the best plan of same, approved by the committees. Ward committees were appointed to collect contributions, and the City Treasurer was ordered to receive deposits and keep a separate account of same.

The preamble and resolutions adopted by the Board of Directors of the Louisville, Cincinnati and Charleston Railroad at Asheville, a week after Hayne's death, were lengthy, and highly eulogistic of his entire career; but it almost seemed as if, in the portion bearing

[1] *Macon* (Ga.) *Messenger*, Nov. 19, 1839.

[2] *Courier*, Oct. 3, 1839.

The comment of the *Richmond Whig* on Hayne's death was: "In his death the whole country has cause for sorrow, for every part of it has sustained a loss. He was emphatically a great and good man." Quoted by *Courier*, Oct. 5, 1839.

upon his connection with the company, that they had deemed it necessary to go into detail for some purpose, and that portion of the paper should appear, as it is the positive statement of men connected with him and best able to testify to his work. The preamble recites: "When the plans to unite the Southern Atlantic Seaboard with the far West by an extended line of Railroad first attracted general attention in South Carolina, he took the lead in promoting it, and by his high authority and enlarged views and powerful eloquence contributed much to secure to it the support of the people of that State. At Knoxville, in 1836, at the most numerous convention it is believed ever held in the South, he was, by the unanimous voice of all the States there represented, called to preside over its deliberations, and he performed the duties of the office in a manner to command universal approbation and respect. When public opinion had determined to carry the plan into execution, he assisted largely in devising and obtaining the charters under which it was proposed to be effected and under which we are now acting. And when the charter was obtained from the four States through whose territories it is intended the road shall pass, the stockholders, with perhaps unexampled unanimity, without one dissenting voice called on him to conduct the undertaking. Without undervaluing the abilities of any other of the stockholders, it is firmly believed that no other individual was so well qualified for the situation. A life of the highest public service, firm, consistent and liberal, without fear and without reproach, had won for him not only the entire confidence of his native State but of the Nation. His name had crossed the Atlantic. He had a European reputation. His standing gave character to our enterprise. It was a bond, a guarantee, not only to the practicability of our undertaking, but that it would be completed and raised, and sustained our credit both at home and abroad. He gave himself faithfully to the office. He devoted to it all the energies of his mind. He conducted its

affairs with the soundest discretion and the greatest ability amid difficulties and obstacles and discouragements of no ordinary magnitude, almost necessarily attendant in a country like ours on every great work. He held the unvaried tenor of his way and never faltered. He was equal to every emergency, and was in truth the life and soul of the company. In the Legislature of his own State, his well-deserved influence, his comprehensive and convincing reasoning, his manly and persuasive eloquence and the thorough dependence of every hearer on his inflexible integrity and stainless honor carried us triumphantly through the most threatening trials. The same high qualities won from Tennessee a generous pledge of hearty coöperation, and in North Carolina and Kentucky were universally admired, respected and trusted. . . . He shrunk from no responsibility. No opposition, no perverseness in others ever exhausted his patience or delayed him in the performance of a duty. His judgment was active, discriminating and accurate. His directions were always clear and precise. He had accumulated a fund of information on the subject of railroads and all their incidents, and was daily adding to it. His reports and addresses to the stockholders, and his expositions from time to time to the Board display the utmost industry, much knowledge, the soundest views and the greatest candor. He conceals no difficulties, he slurs over no embarrassments, he encourages no unfounded hopes, he presents everything fully and fairly without exaggeration or extenuation as it appears to his comprehensive mind. To him the stockholders and their Board and the whole community mainly looked to consummate the work in which he was engaged and, had he been spared, if it be in the power of man, as we trust it is, he would have accomplished it. He has fallen at his post, in the faithful discharge of his duty, in the midst of his youth and strength, crowned with honor, universally lamented, leaving to his country a name that will adorn her annals. . . ." The resolutions which followed declared

that the death of Hayne was the "greatest calamity which could have happened to the company." [1] Having considered these expressions of opinion concerning the dead statesman, we are in a position to analyze the emotions, so far as they found expression in the words of his great leader, of whom Benton tells us he was, in the great debate with Webster, "the sword and shield"; to whom he had practically surrendered his seat in the United States Senate, in order to carry through nullification, in the most exposed and dangerous position which a follower of Calhoun could occupy. It will be remembered that Calhoun, in the previous year, in attempting to justify his withdrawal, had reiterated Hayne's expressed sentiments with the declaration, "You cannot possibly feel more pain in differing from me than I do in differing from you," and, although in response to Hayne's appeal for support, in addition to his arguments, on the ground of their past close personal and political relations, he had simply stated that he could not "see in any of the considerations" which his correspondent suggested "reasons to change," he had assured the latter that, in spite of his withdrawal, "should the work go on, I shall wish both you and it great success." This cordial expression of good-will, it is true, had not prevented Calhoun, within twenty-four hours of its declaration, from characterizing the work, to one interested in a rival enterprise, as "a mad project," to oppose which, "the infatuation in favor of," was "yet too strong"; but to encourage him in the belief that it was "daily giving way" and "in a year the move that you desire may be made with advantage"; but in spite of the guerilla warfare waged against it, the work had gone on, and at the conclusion of the year a determined assault upon the enterprise had been made by as capable men as could be found to lead it; this assault, however, had not succeeded in completely overthrowing it, and the main battle had still to be waged at

[1] *Courier*, Oct. 24, 1839.

Columbia, on December 4. Yet, we may say that nothing short of a resurrection could save the company; for, in the words of the Board of Direction, "the life and soul of the enterprise lay dead at Asheville." What were Calhoun's comments on the death of this man, so closely allied with him for ten years in Washington, and who had surpassed all who had ever come in contact with the great Carolinian, in devoted service? Here is his letter, on hearing the news, written to his most intimate correspondent, the man to whom, of all men, he most opened his heart, and with whom he was on such terms of intimacy that he did not hesitate to appeal to, to help him influence his (Calhoun's) wife, that correspondent's sister. The letter is addressed to James Edward Calhoun, from Carters, near Fort Hill, October 5, 1839. "My dear Sir: The death of Genl. Hayne and Col. Blanding are really surprising events, under the circumstances under which they occurred, and are destined to effect a great change in the system with which they were so closely identified. I agree with you that our course, and mine in particular, should be cautious and mute. My impression is decidedly that the stockholders ought to place Col. Gadsden at the head of their affairs, which I understand are in a deplorable condition. I infer that the road cannot reach even Columbia without the aid of the State to the amount of nearly a million. The true policy of the Company, it seems to me, at this juncture, is to stop all operations forthwith beyond Columbia and to reduce their operations even to that point, for the present, to the smallest scale. If this should be done, and I think necessity must enforce it, it seems to me clear that, for the present at least, the two presidencies, that of the bank and road, ought to be united in the same individual. I feel confident a man of business such as Col. Gadsden could easily perform both, and that their union would not only be a great saving, but would, in the deranged state of the affairs of the company, be the most effectual step to restore order and give a new energy to its

action. He unites the requisite qualities for each, and is the only individual that I know that does. The election to fill Blanding's place will, I suppose, first come on; it would be best to say nothing about that of Hayne's till after that is over. When that comes on, which I suppose will not be till the convention meets at Columbia, there will not, I think, be any difficulty to elect him to fill it. The main point is to get a full proxy from Abbeville and Edgefield to be placed in safe hands. The latter should be carefully guarded, and you can do much to effect both. No one could represent the interests of the two Districts better than yourself. The only objection I see is your near connection with myself, but I do now know that it ought to have much weight. Now is the time to put the affairs of the company right. . . ."[1]

The first impression produced by the perusal of this letter is the utter lack of feeling. This may not have been unnatural, as far as it related to Blanding; but the contrast between it and the phrases in which Calhoun denied his help to that man who had so loyally supported him for ten long years, "I shall ever remember the important scenes in which we have acted together, with pleasure, and the important service which you have rendered the State and the Union," is striking. But yet still more unpleasant is the recognition of the wisdom of the advice that, while comparative strangers were sounding the praises of the dead Carolinian, it was best that he, who had received from Hayne the greatest service, should "be cautious and mute." But what can be said in explanation of the expressed advocacy of Gadsden for the presidency of both bank and road, when we recollect that not a year had elapsed since Calhoun had written Hayne, in defence of his withdrawal from the enterprise, "one of my objections to the route was that it could not sustain itself by its own advantages, without the artificial aid of the bank, to which I was opposed, among other

[1] "Calhoun's Correspondence," pp. 431–432.

grounds, because the union of the two powers in the same company, that over the currency and intercourse of the country, would be dangerous to our free institutions, in which pray I may be deceived."

Ought these facts to be ignored? Have they not some bearing on the question regarding the course of these two influential men in relation to this matter so closely concerning the welfare of the State and the reputation of the two themselves? Suppose one has risen to a monumental height and the fame of the other has been obscured by a belief that the scheme which the greater figure had opposed so relentlessly was visionary, is that any reason for suppressing the truth? Calhoun admits, in his reply to Hayne, that the argument of the latter concerning the route of the French Broad being the only one which could command a majority of the Legislature in favor of the railroad bank charter, is a strong consideration; but declares that one of his reasons for opposing the route was that the union of the two powers in the same company, "currency and intercourse," would be "dangerous to our free institutions," which fear seems to have so possessed the stockholders of the bank that they not only voted down the report of the committee uniting the two offices in Hayne, but kept him even off the management of the bank as a director, while other directors of the road went on; but immediately upon Hayne's death, Calhoun presses for that very union which he had declared he believed "dangerous to our free institutions." Do we not recognize in this that the real difficulty was that Calhoun could never follow and must always lead, and that which was advocated by another was dangerous, while, when advocated by himself, perfectly legitimate?

CHAPTER XIV

THE SHORT-LIVED RESURRECTION OF THE ORIGINAL SCHEME OF THE ROAD. CLINGMAN'S POWERFUL SPEECH IN VINDICATION OF HAYNE AND BLANDING. ONE YEAR MORE BEFORE THE COLLAPSE. THE PROJECT CRITICALLY CONSIDERED

CALHOUN'S belief that there would not be any difficulty in electing Colonel Gadsden to Hayne's place at the adjourned meeting of the company, which was to be held at Columbia, was a reasonable belief. Who was there to oppose him? The fight had been close with Hayne alive. With Hayne dead, who was strong enough to champion the crippled road that South Carolina's greatest son opposed so relentlessly? Were not the finances deranged? Had not Memminger's report so shown, despite his cautions as to mistakes? And had not Memminger himself been, next to Hayne, the strongest advocate, formerly, of the great route, and in the mind of some, but little behind Hayne in closeness of reasoning power and convincing argument? Was he not now against it? Had not the *Mercury* abandoned it? Was not the belief almost universal that, with Hayne's death, the life and soul of the original conception was dead? Was not the fact that Kentucky had never responded to but one instalment of less than $11,000, and North Carolina, while responding to the three, shrinking in her third and last more than 50 per cent, which made her total but little over $13,000, sufficient to indicate the uselessness of the immense effort which would be necessary to carry the road to the North Carolina line? It looked so. But there was still some

fight in the board. The chief engineer presented a statement to the effect that the road could be carried from Branchville to the North Carolina line with an expenditure of $3,950,000, or possibly only $3,180,000, of which $1,022,533 had already been incurred, and must be thrown away if the work was not pushed.[1] He showed the absurdity of comparing the expense of constructing an embankment such as the company had laid down, of 25 feet, with the old one of only 13 feet width. He pointed out that the surveys, about which so much had been said, had covered some 2000 miles, and he estimated that, if pushed, the work could be completed by 1846. In addition, the effect of the expensive repairs which Hayne had put upon the Hamburg Road, not apparent in September, were very much in evidence three months later. For the month of November the receipts of the road leaped up 50 per cent, and the amount of cotton brought down was doubled. The supporters of the original plan took heart again, and again the battle was joined. The party which had been formerly described as "predetermined not to suffer the road to be carried beyond Columbia" had apparently centred upon Colonel Gadsden as their choice for the presidency. They had the quiet support of him who bestrid the State like a colossus, and from Pickens, Abbeville and Edgefield they drew many followers. C. G. Memminger, rising into that well-deserved fame which made him, in two decades, the leading citizen in the State, was their chief spokesman. Many of the Charleston stockholders were, however, with the mass of the stockholders of the rest of the State, behind Vardry McBee of Greenville, and for them, apparently, the chief spokesman was ex-Congressman Elmore. Mr. Memminger, for some reason, followed Webster's course in the great debate on the public lands and, passing over Elmore, fell upon Clingman of North Carolina. No doubt Mr. Memminger's speech fully sustained his ascending reputation,

[1] *Courier*, Oct. 25, 1839.

but the copy does not appear. The speech, however, which he drew from Clingman in reply, could not escape notice, and would have done its deliverer no discredit by comparison with the utterances of any deliberative assembly in the world, where English was spoken. It appears in full in the *Courier* of December 18, and it probably had more than a little to do with the elevation of McBee to the presidency in place of Gadsden, at that meeting. Some short extracts from it which hardly give the reader a clear idea of its force and power, but some conception of the tremendous odds with which Hayne had struggled, are here exhibited. Incidentally, the speaker defended Hayne and Blanding from the supposed charge of having "humbugged" the stockholders as to the difficulties of the French Broad route, or that they had ever claimed that the road could be built without payment of the stock subscribed for that purpose. He claimed, as he certainly had some ground to, that, irrespective of what other States did or might do, South Carolina had undertaken the work. Touching on the small subscriptions of North Carolina, he made this point: "Without assuming to say what North Carolina will do or what she would have done, in any event, I take the responsibility of declaring that she has never yet said that she would not contribute money, if necessary to the work. The stock subscribed in that State is no fair index even of the feelings of her citizens towards the enterprise. Just before the books of subscription were opened, a letter from Mr. Calhoun was published, recommending the route through Georgia. As his influence was supposed to be predominant in South Carolina it dampened the ardor of our citizens, and it is believed that the subscription was thereby rendered much less than it would otherwise have been. . . . From the indications this morning it seems that a majority of the stockholders here are in favor of electing to the office of president of the road a gentleman who has long favored the route through Georgia. Conceding to Colonel

Gadsden all the ability his friends claim for him (a point which my limited personal acquaintance with him does not enable me to express an opinion of), I have no hesitation in saying that his elevation to the office will kill your road dead. It is singular that it should be supported by those persons who are unwilling to pass any resolution announcing your determination to stop here. His election will satisfy the community as fully on that point as the most solemn declaration you could make. It is well known that he has staked his reputation on the failure of this road. For two years he has on all occasions spoken and written against it. He has not only pronounced the route inferior to the other, but entirely impracticable. I concur, therefore, with the gentleman who declares the act is suicidal. I go further — it is suicide under the most humiliating circumstances. If it is to be so, let us kill the enterprise ourselves and not gratify an enemy so far as to appoint him an executioner. He has for years made war upon the company, but for me, I have not been so far converted by his blows as to choose him to preside over us." [1]

The above gives but a faint idea of this powerful speech, which a South Carolinian must read with mingled feelings of pride and pain. While there is a deliberation and a heavy sternness in it, making its style quite different from that of Hayne, while there is an absence of that delicacy of satire which Hayne used with such effect when roused, yet there is much in it to recall Hayne's great reply to Webster. The panegyric on past greatness, offered in contrast to portending action, is superbly developed. The utter fearlessness with which the counter attack is relentlessly pressed home, blow on blow, and yet ever with perfect propriety, stirs the blood of the reader even at this day; while the lofty English fairness that pervades it makes this North Carolinian's speech the very echo of Hayne's declaration in the early part of 1838: "The

[1] *Courier*, Dec. 18, 1839.

fate of the road is in your hands, and it will be for you to determine whether the roll on which is inscribed the names of the original inscribers to the Louisville, Cincinnati and Charleston Railroad shall remain a proud memorial of their wisdom and patriotism, or a miserable record of fluctuating feelings and changeful purpose, — a monument of our glory or our shame."

The result of Clingman's speech was to completely disprove Calhoun's opinion that there would be no difficulty in electing Gadsden; for Vardry McBee was chosen president, and approved the memorial prepared by Mitchell King, to be submitted to the Legislature, wherein it was claimed that, with what might be reasonably expected as collectible from the assets of the road and an advancement of eight instalments on the State's subscription, which would amount to $400,000, something like $1,920,000 could be raised, more than sufficient to pay off the entire indebtedness to the Hamburg Road, leaving that property free of all obligations, clearing off all dues to banks and requisitions for work under contract for the superstructure as far as Orangeburg on the Columbia branch, with all interest met, and balance of $82,000.[1] On the twenty-first day of December, 1839, the prayer of the memorial was granted, and an act passed affording the relief sought;[2] and for a year or thereabout the struggle continued. But no South Carolina enterprise could withstand the relentless internal warfare directed by the greatest public figure in the South and the almost absolute ruler of South Carolina's politics; and by September 25, 1840, Calhoun announces, on the authority of Colonel Gadsden: "Tennessee has withdrawn by mutual consent from those concerned, and all idea of going beyond Columbia openly abandoned. Thus ends the humbug. . . . If I could triumph when state and friends have suffered, what a triumph I would have."[3]

[1] *Ibid.*, Dec. 16, 1839. [2] Statutes of So. Ca., Vol. II, p. 86.
[3] "Calhoun's Correspondence," p. 464.

It is useless to pursue any farther inquiries as to the fortunes of this road, so intimately connected with the last years of Hayne's life. On the practicability or impracticability of the French Broad route, the judgment of two great men was staked, and the apparent vindication of Calhoun, in 1840, raised his fame and exalted his influence in South Carolina to an even loftier height; while over Hayne's reputation the dissolution of the great project, against which Calhoun had so exerted his power of obstruction, undoubtedly cast a cloud which has remained to the present time. However pure and high a man may have been in his public and private life, to have been at the close of his life the director, guide and chief sustaining power of a work which failed after his death, and, in addition, was designated by the greatest statesman of his section as "a humbug," must injure him in the estimation of his fellows as well as posterity, and this is one of the explanations why so little is known of Hayne, so little mention made of him, so slight an appreciation of him. While Hayne's merits were extolled by McDuffie in the eulogy delivered in commemoration of him, some months after his death, no allusion is made to the railroad work. The plan to erect a monument to him seems to have been struck with atrophy in spite of the elaborate preparations. His papers, carefully preserved for twenty years or more after his death, seem to have met the fate which overtook those of his great predecessors, Charles Pinckney and William Lowndes. Lost or destroyed, the veriest fragments remain.

The steady movement on to secession, the great blazing war, that grand, imposing epic, the Iliad of the old South, from out of which arises the stately figure of the peerless Virginian, Robert E. Lee, and through which flashes the meteor-like career of Stonewall Jackson, dwarf the proportions of even great figures of an earlier period. But above all, the tragic grandeur of that lonely figure, so firmly convinced of the justice of his cause, so absolutely identi-

fied with every aspiration of his section and of the old order which was to pass away, leading the South down to the valley of the shadow, as she swung into inevitable concussion with the opinions of the civilized world, blots out the recollection of apparently smaller matters. Yet had Hayne been able to push through his great railroad scheme, it may be fairly questioned whether there would have been any war. It was his belief that with that road linking the South and West, the perpetuity of the Union was established. Was the route he supported impracticable, and was "the great route" which Calhoun advocated, the better? What if time has shown that Hayne's judgment was right and Calhoun's wrong? Shall he who gave up his life in the effort to serve his State and country be left under the obloquy which must involve the projector of a "humbug," because the intentions of the great man who so designated it were good, if his judgment was faulty? Not while the love of justice appeals to men. It should be remembered that Calhoun survived Hayne eleven years, and that in the quarter of a century which elapsed between the first movement for railroad connection between the South and West and its establishment, it took him five years to scotch the French Broad route, while very nearly eight more were needed to launch that which he favored, and its course also was arrested before it could begin the penetration of the mountains. As the crippling effects of the great war and the still more disastrous effects of reconstruction gave way to renewed industrial progress in South Carolina, it was to Hayne's route, the French Broad route, that men's minds turned, as the natural route, and for nearly a quarter of a century over it has rolled a freight so heavy as to continually disorganize its passenger traffic. Meanwhile, as late as 1903, to the writer's own knowledge, "the great route" of Calhoun still leads but to "the forest primeval."

There the shy trout that shuns the haunts of men darts through

the limpid stream; the wild turkey and the ruffed grouse rise from the underbrush in their strong and noisy flight, and the solitary resident occasionally met with informs the traveller that he is "in the home of the rattler." It is therefore legitimate to inquire what might have been the result had Calhoun seconded Hayne's efforts instead of exerting his great powers to thwart them. Unquestionably the result would have been, if successful, to have elevated Hayne to a position in the South very possibly in advance of his own. The road pushed through would have very probably made an end of abolition agitation; for either free labor would have destroyed slave labor, or slavery would have peacefully spread. The probable result would have been the spread of slavery for a while towards the southwest; while the residents of the section through which the road passed, as well as all that to the northeast, would have gradually parted with their slaves and turned to free labor. But with the commercial success of the enterprise, the head would have loomed out greatest, no matter how ably he might have been seconded; just as in nullification upon Calhoun's brow was placed the crown of success, although it may well be doubted whether that might not have ended in disaster, had it not been for the particular ability with which Hayne handled the helm, and the very peculiar relations between him and Jackson, moving the latter to a degree of patience he never exhibited at any other period of his life, before or after.

That the panic of 1837 did cripple the road is not to be questioned; but even so, the road might have been pushed through with time and patience, had it been spared the war waged upon it, with regard to which the purchase of the Hamburg Road was in part made to stop and to unite all factions, although there were also other reasons for the move. Possibly it might have been wiser to have disregarded the clamor and proceeded with the construction of the road from Columbia, under the contract offered

by the Hamburg Road to build a road of equal mileage to that place as the company's road advanced beyond. It would have made the building more expensive, and the Hamburg Road might have broken down in the effort; while to have taken advantage of the necessities of that road in such case might have aroused a hostile sentiment, which might have been as injurious as that herein portrayed. In fact, these considerations bring up so many unknown and unknowable quantities as to leave the matter very obscure. Certain it was, however, that the price paid for a road needing the repair which the Hamburg Road did need was most liberal, and seems to have amounted in the end to about $650,000 in excess of the estimated cost of the road from Columbia to the North Carolina line. But what seems most difficult to understand is why, with a subscription in South Carolina of $6,000,000 and a loan of $2,000,000, even with an expenditure of $3,000,000 for a road of 136 miles of railway in running order, the construction of the road to the North Carolina line should have been abandoned. It is quite true that the action of Kentucky throughout was unworthy of that great State; that it had chilled the enterprise and to some extent cut off Ohio; but Tennessee had responded in no slight manner, and if it was desired to interest North Carolina more deeply, pecuniarily, no argument could have equalled that of a road approaching her borders.

The enterprise fell, then, not because it was utterly unreasonable, but because, as the *Mercury* had declared, just prior to the death of Hayne, "there was a party predetermined not to suffer the road to be carried beyond Columbia." That the *Mercury* subsequently abandoned the French Broad route, simply indicates the increased potency of Calhoun after the death of Hayne.

Mention of but one more production of Hayne will be made, as it is illustrative of the views of slave holding at its best, in this the year of his death. About two months previous to his own

death, he wrote the obituary of his wife's father. After alluding to his service under Marion and personal intimacy with Jefferson, he touches on the private life of Colonel Alston: "Whether we estimate his claims to public consideration by his extraordinary success, the admirable treatment of his slaves or the progressive improvement of his estate (the result of a wise practical system of economy and good management), Colonel Alston stood at the head of the class to which he belonged. It was believed, at the time of his death, he was, with perhaps a single exception, the largest slave-holder in South Carolina. . . . It was the opinion of Colonel Alston that in the management of slaves the true interests of the planter were in exact accordance with the dictates of an enlightened humanity. . . . The consequence was that his numerous plantations were models of neatness and order and his slaves always exhibited an appearance of health and comfort, which spoke well for their treatment. They were devotedly attached to their master . . . etc." On the copy of the *Mercury* in which this appears in faded letters is written: "From R. B. H. Written by my husband. Alas! Alas! What has befallen me. You can well imagine. Too sick to add more." This brief comment of the widow indicates more than longer protestations. She knew him best of all and, cherishing his memory with wifely devotion, pathetically preserved his public utterances, but only up to 1834, gathering them together in 1842, when public opinion was too strong to permit her to believe that his work for the road was other than unfortunate. Time has, however, called that opinion to book, and the record is here fearlessly exposed of the whole career of the man. Eloquent he was; but it is no disparagement of him to say that, in the opinion of competent judges, there were some of his day considered more so. Dauntless he was, but so were many others. In purity of private and public life he stood at the very top of his time, and that a time when

public men were very pure. In that practical wisdom which makes use of every opportunity, in that unwearied industry which seeks to utilize every force for good, he had few equals and no superiors. In breadth of thought and power of comprehension, in ability to extract knowledge from every source open to him, considering the limitations of his culture, he was a most extraordinary man. In the profundity of his thought upon the greatest subject which has ever moved his country, his depth will hardly be truly fathomed for yet a generation or two. But in his ability to win and hold the affection of those with whom he came in contact, and the respect and esteem of those with whom he found himself in opposition, very few have equalled him in the history of his country and, from first to last, his voice seems ever to have been "a most persuasive one."

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